AMENDMENTS
28 - 132

Draft opinion
Róża Thun und Hohenstein
(PE692.718v01-00)

Roaming on public mobile communications networks within the Union (recast)

Proposal for a regulation
(COM(2021)0085 – C9-0085/2021 – 2021/0045(COD))
Amendment 28
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to recast it while introducing new measures to increase transparency, including on the use of value added services in roaming and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The duration of this new Regulation is set for 10 years, until 2032, to provide certainty in the market and minimise regulatory burden while introducing a mechanism for intervening at wholesale level in the interim if market developments so require.

Amendment

(4) As Regulation (EU) No 531/2012 expires on 30 June 2022, the aim of this Regulation is to extend the application of the abolition of roaming charges and recast the Regulation while introducing new measures to increase transparency and consumer protection, including on the use of value added services in roaming, use of non-terrestrial networks in roaming on vessels and aircrafts, and ensure a genuine RLAH experience in terms of quality of service and access to emergency services while roaming. The duration of this new Regulation is extended, with review periods of two years to provide certainty in the market and minimise regulatory burden, which should include a mechanism for intervening at retail and wholesale level if market developments so require.

Or. en

Justification

Roaming rules should apply without an expiry date. For this, both Article 26 and recital 4 need to be changed. To be proportionate, the review procedure (article 21) shall ensure the Regulation can be subject to amendments when reviewing the Regulation biannually. At a time when competition in mobile telecom markets in several Member States is being challenged, rules will continue to be needed in the foreseeable future. As mentioned in recital 3 of the proposal, “the underlying basic competition conditions have not changed and are not likely to change in the foreseeable future.”

Amendment 29
Rasmus Andresen

Proposal for a regulation
Recital 8
(8) A common, harmonised approach should be employed for ensuring that users of terrestrial public mobile communication networks when travelling within the Union do not pay excessive prices for Union-wide roaming services, thereby enhancing competition concerning roaming services between roaming providers, achieving a high level of consumer protection and preserving both incentives for innovation and consumer choice. In view of the cross-border nature of the services concerned, this common approach is needed so that roaming providers can operate within a single coherent regulatory framework based on objectively established criteria.

Justification

Amendment necessary for ensuring internal logic of the text and in order to protect customers from inadvertent connections while travelling by boats and planes.

Amendment 30
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Recital 8

(8) A common, harmonised approach should be employed for ensuring that users of terrestrial public mobile communication networks when travelling within the Union do not pay excessive prices for Union-wide roaming services, thereby enhancing competition concerning roaming services between roaming providers, achieving a high level of consumer protection and preserving both incentives for innovation and consumer choice. In view of the cross-
border nature of the services concerned, this common approach is needed so that roaming providers can operate within a single coherent regulatory framework based on objectively established criteria.

Or. en

**Justification**

*This change is needed to ensure the scope of the Regulation also includes measures to provide more transparency and prevent bill-shocks when consumers travel in ships or boats.*

**Amendment 31**
Adam Bielan

**Proposal for a regulation**
**Recital 9**

*Text proposed by the Commission*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is relevant for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth, in particular considering that the deployment of 5G networks and services is expected to grow steadily.

*Amendment*

(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance, especially given the growing importance of the Internet of Things (IoT) and a number of these devices moved during travels abroad. This is relevant for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth, in particular considering that the deployment of 5G networks and services is expected to grow steadily.

Or. en

**Amendment 32**
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

**Proposal for a regulation**
**Recital 9**
(9) The widespread use of internet-enabled mobile devices means that data roaming is of great economic significance. This is relevant for both users and providers of applications and content. In order to stimulate the development of this market, charges for data transport should not impede growth, in particular considering that the deployment of 5G networks and services is expected to grow steadily.

Or. en

Justification

Data roaming keeps being a decisive criterion. The amendment brings the recital in line with the current recital 6 of Regulation (EU) 531/2012. In addition, it is important that any applicable data charge would not negatively affect RLAH.

Amendment 33

Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Recital 10

Text proposed by the Commission


Amendment


Except for Directive 2002/58/EC, those Directives were repealed by Directive (EU) 2018/1972 of the European Parliament and of the Council. 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 EU citizens. For example, it ensures that all citizens have access to affordable communication, including the internet. It increases consumer protection and security for users and facilitates regulatory intervention.


The amendment corrects a factual mistake in the Commission’s proposal. The European Electronic Communications Code (EECC) did not repeal the ePrivacy Directive (Directive 2002/58/EC). The ePrivacy Directive is currently being reviewed by the Parliament and the Council. The second change better reflects article 3 of the EECC and related provisions.

Amendment 34
Adam Bielan

Proposal for a regulation
Recital (14)

Text proposed by the Commission

(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically.

Amendment

(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically and
Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

Amendment 35
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation
Recital (14)

Text proposed by the Commission

(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale

Amendment

(14) In order to allow for the development of a more efficient, integrated and competitive market for roaming services, there should be no restrictions preventing undertakings from effectively negotiating wholesale access for the purpose of providing roaming services. Obstacles to access to such wholesale
roaming services, due to differences in negotiating power and in the degree of infrastructure ownership of undertakings, should be removed. To that end, wholesale roaming access agreements should respect the principle of technology neutrality and ensure all operators an equal and fair opportunity to accessing all networks and technologies available and be negotiated in good faith allowing the roaming provider to offer retail roaming services equivalent to the services offered domestically.

Mobile virtual network operators (MVNOs) and resellers of mobile communication services without their own network infrastructure typically provide roaming services based on commercial wholesale roaming agreements with their host mobile network operators in the same Member State. Commercial negotiations, however, may not leave enough margin to MVNOs and resellers for stimulating competition through lower prices. The removal of those obstacles and balancing the negotiation power between MVNOs/resellers and mobile network operators by an access obligation and wholesale caps should facilitate the development of alternative, innovative and Union-wide roaming services and offers for customers. Directive (EU) 2018/1972 does not provide for a solution to this problem via the imposition of obligations on operators with significant market powers.

Amendment 36
Evžen Tošenovský
Proposal for a regulation
Recital 15

Text proposed by the Commission
(15) Therefore an obligation to meet

Amendment
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reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down. Such access should be in line with the needs of those seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming as domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically unfeasible to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

Amendment 37
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri
Proposal for a regulation
Recital 15

(Text proposed by the Commission)

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down. Such access should be in line with the needs of those seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy the same quality of service when roaming as domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically unfeasible to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

(15) Therefore an obligation to meet reasonable requests for wholesale access to public mobile communications networks for the purpose of providing roaming services should be laid down. Such access should be in line with the needs of those seeking access. End-users of services requiring modern technologies and retail roaming services should be able to enjoy, \textit{where possible}, the same quality of service when roaming as domestically. A wholesale roaming access obligation should therefore ensure that access seekers can replicate the retail services offered domestically, unless mobile network operators requested to provide access can prove that it is technically unfeasible to do so. Access should be refused only on the basis of objective criteria, such as technical feasibility and the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case for dispute resolution in accordance with the procedure set out in this Regulation. In order to ensure a level playing field, wholesale access for the purpose of providing roaming services should be granted in accordance with the regulatory obligations laid down in this Regulation applicable at the wholesale level and should take into account the different cost elements necessary for the provision of such access. A consistent regulatory approach to the wholesale access for the provision of roaming services should contribute to avoiding distortions between Member States. BEREC should, in coordination with the Commission and in collaboration with the relevant stakeholders, issue guidelines for wholesale access for the purpose of providing roaming services.

Or. en
Amendment 38
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria- Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Brando Benifei, Biljana Borzan

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 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, 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. Consequently, emergency communications are a means of communication that includes not only voice communications services, but also SMS, messaging, 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

Amendment

(19) The United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) requires its parties 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. Directive (EU) 2018/1972 aims to ensure the provision throughout the Union of good quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including those with disabilities in order to access the services on an equal basis with others, are not satisfactorily met by the market and to lay down the necessary end-user rights. 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. Consequently, emergency communications are a means of communication that includes not only voice communications services, but also SMS, messaging, 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
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.

**Justification**

Directive (EU) 2018/1972 ensures equal access to all electronic communications and ensures equal access to emergency communications not only by voice communications but also other types of communications such as real-time-text, total conversation, and relay services. This is important to consider because deaf, hard of hearing, deafblind persons rely on non-verbal communication. Real-time text and total conversation technologies should also become mainstream technologies, as voice calls and SMS are today, rather than being seen as ‘alternative modes of communication’.

**Amendment 39**
Anne-Sophie Pelletier

**Proposal for a regulation**
Recital 19
(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 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.

(19) Given that the Union is a party to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), the provisions of the Convention are an integral part of the Union law and are binding upon the Union and its Member States. The UN CRPD requires its parties 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, Directive (EU) 2018/1972 aims to: “ensure the provision throughout the Union of good quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including those with disabilities in order to access the services on an equal basis with others, are not satisfactorily met by the market and to lay down the necessary end-user rights.”. 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. Importantly, pursuant to that Directive: “emergency communications are a means of communication that includes not only voice communications services, but also SMS, messaging, 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 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 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.

Or. en

Amendment 40  
Rasmus Andresen  
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

Amendment  

(19) The United Nations Convention on the Rights of Persons with Disabilities requires to take appropriate measures to ensure that persons with disabilities have access to communications technologies and systems on an equal basis with others. In addition, Article 109 of Directive (EU) 2018/1972 establishes that all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Emergency communications include voice communications services, SMS,
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 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.

messaging, video and other type of communications, such as real time text, total conversation and relay services. 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 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.

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for allowing persons with disabilities to live a real RLAH experience on an equal basis with others.

Amendment 41
Evžen Tošenovský
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 feasible.

Amendment

(28) Roaming customers should, to the greatest extent possible, be able to use the retail services that they subscribe to.

Amendment 42
Adam Bielan

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 feasible.

Additionally, roaming providers should make it possible for the consumer to verify the estimated download and upload speed,
latency and available data transfer technology.

Amendment 43
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

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 feasible.

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 guaranteed to customers when roaming, if technically feasible.

Justification

These changes bring the recital in line with the objective of the Commission's proposal and previous recitals, notably recital 15.

Amendment 44
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Adriana Maldonado López, Biljana Borzan

Proposal for a regulation
Recital (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.

Justification

The pandemic has demonstrated that there is a demand for a deeper single market, challenging the notion that RLAH is just for ‘periodic travel’. In case of force majeure, RLAH should continue to apply. We cannot rely on a consumer request to keep benefiting from RLAH, as the consumer may ignore that they have this right. It is unclear how the consumer would be informed about it in advance. The recital is clear this would be limited to force majeure cases, so abuse should not take place.

Amendment 45
Anne-Sophie Pelletier

Proposal for a regulation
Recital (29)
(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 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 must, 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 a period which covers at least the duration of the extended stay due to the exceptional circumstances, 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.

Or. fr

Amendment 46
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri, Virginie Joron, Jean-Lin Lacapelle

Proposal for a regulation
Recital (29)
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 47
Anne-Sophie Pelletier

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. These specifications should include clear and comprehensible information on the level of quality of the service, including information on the transfer rate and the available access technologies of each visited operator in each Member State. The provider should also be obliged to provide all relevant information on the factors which might have a greater impact.
on the quality of service, such as coverage or variation due to external factors such as topography. The specifications and information should be provided in line with BEREC’s data roaming retail service guidelines.

Amendment 48
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Adriana Maldonado López, Biljana Borzan

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 the operator must guarantee towards consumers. The provider should also make available information on relevant factors that can further affect the quality of service, including speed, latency, availability of certain technologies, coverage or variation due to external factors such as topography. Those specifications should be provided in line with BEREC’s retail roaming guidelines.

Justification

These changes seek to ensure consumers will not be misled by the operators and follow BEREC’s guidance. We should prevent that the home operator would enter into a wholesale agreement with the visiting operator that does not include the same quality of service provided to consumers at home, when other visiting operators do provide it. The quality of service is an essential part of the RLAH experience.
Amendment 49
Ivars Ijabs, Dita Charanzová, Vlad-Marius Botoş, Claudia Gamon

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. The provider should make available *clear and comprehensible* 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, *as well as information regarding transfer rate and available access technologies of each visited operator in each Member State.*

Or. en

Amendment 50
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri, Virginie Joron, Jean-Lin Lacapelle, Markus Buchheit

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 *clear and comprehensible information on* the expected level of quality of service. *Such information should be provided in line with BEREC’s retail roaming guidelines.* The provider should make available information on relevant factors that can affect the quality of service, such as
(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 51
Rasmus Andresen
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. 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 52
Evžen Tošenovský
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

Amendment

(35) A contract which includes any type of regulated retail roaming service should specify the characteristics of that regulated retail roaming 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
availability of certain technologies, coverage or variation due to external factors such as topography.

Amendment 53
Rasmus Andresen
Proposal for a regulation
Recital 35 a (new)

Text proposed by the Commission

(35a) A contract which includes any type of regulated retail roaming service should include clear information on the procedure to file complaints if the quality of service is not guaranteed. The roaming provider should handle the complaints in a timely and effective manner.

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for enhancing customers’ information.

Amendment 54
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Adriana Maldonado López, Biljana Borzan
Proposal for a regulation
Recital 36

Text proposed by the Commission

(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 regulation and the lack 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 consumers and increase the transparency on the conditions for communications to value added services numbers and to ensure that customers that are roaming within the Union will pay the same amount as local customers for value-added services and ensure that customers keep paying the same price as at home when resorting to value-added services from their home country when travelling within the Union. 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.

Justification

If the EU is to build a real single market and fully abolish roaming costs, it should adopt the
rule that consumers that are roaming within the EU/EEA will pay the same amount for value-added services like locals do and ensure that consumers keep paying the same price as at home when resorting to value-added services from their home country when travelling within the EU/EEA, if technically feasible. If charges apply, consumers must be informed upfront in an unambitious manner. It is important cut-off limits also apply to value-added services to avoid bill shocks by consumers when roaming.

Amendment 55  
Rasmus Andresen

Proposal for a regulation  
Recital 36

(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 charges which can be incurred because of communications to value added services numbers. Therefore measures should be introduced to protect consumers and
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.

Furthermore, roaming providers should also ensure that the use of value added services is provided under the same conditions as if such services were consumed domestically.

Amendment 56
Adam Bielan

Proposal for a regulation
Recital 36

Text proposed by the Commission

(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

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 and how they could easily access and verify a particular value added service number via the publicly available web page.

**Amendment 57**

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri, Virginie Joron, Jean-Lin Lacapelle, Markus Buchheit

**Proposal for a regulation**

**Recital 36**

*Text proposed by the Commission*

(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.

Amendment 58
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Recital 43
(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.

(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 consumers, the home operator should also inform roaming customers of any additional charges that may apply for resorting to value-added services and the applicable cut-off limit to prevent bill-shocks. Such information should be provided as soon as the consumer enters another Member State and also when the roaming customer tries to reach a value-added service. In addition, providers of mobile communication services should inform consumers of the use of non-terrestrial networks on aircrafts or vessels and the cut-off limit that applies to protect them from bill-shocks. Such information should be provided as soon as the mobile device connects to such non-terrestrial networks. Roaming providers should provide a possibility to easily opt-out from this automatic message service without unduly subverting or impairing consumers’ autonomy, decision-making, or choice. In addition, roaming customers should be provided free of charge with a text message including a link to access, free of charge, a web page giving detailed information about the types of services 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.

**Justification**

NRAs and consumer organisations have received complaints from consumers that receive exorbitant bills because they were unaware that RLAH did not apply to networks on board ships and planes. In addition, this recital brings it into line with the proposed amendment to recital 36 in relation to value-added services. Finally, when the provider communicates to the consumer, it is important they respect and do not try to manipulate consumers’ choice, autonomy or decision-making.

**Amendment 59**

**Rasmus Andresen**

**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-

*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. The home operator should also inform roaming customers of any additional charges for the use of value added services and the applicable cut-off limits to prevent bill shocks. Such information should be provided as soon as the roaming customer enters another Member State and every time the roaming customer tries to reach value added services. Furthermore, when a mobile device connects with non-terrestrial networks with automatic handover on marine vessels and on board aircrafts, providers of mobile communication services should
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.

Inform customers on the additional charges they may incur and on the cut-off limits applied in order to protect them from bill shocks. 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.

Or. en

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for enhancing customers’ information.

Amendment 60
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri, Virginie Joron, Jean-Lin Lacapelle

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

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. 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 61**

Adam Bielan

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. **Such communications should be guaranteed and easily accessible for roaming customers living with a disability.** 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. 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.
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 62
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

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, before and 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 and for using non-terrestrial
networks in aircrafts and vessels such as boats or ferries.

Justification

The amendment aims at better protecting consumers when operators communicate towards consumers.

Amendment 63
Rasmus Andresen

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 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.

Amendment

(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming or to the use of non-terrestrial networks with automatic handover on marine vessels and on board aircrafts. Roaming providers should therefore take reasonable steps to protect and inform in a clear and intelligible manner customers against incurring additional charges while they are located in their Member State. This should include an obligation to roaming providers to provide reasonable cut-off limits and to grant their customers the opportunity to block non EU/EEA networks, unless their customers request to opt-in, and an obligation to provide 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

Amendment necessary for ensuring legislative coherence throughout the text and for strengthening customers’ protection from inadvertent connections.

Amendment 64
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Adriana Maldonado López, Biljana Borzan

Proposal for a regulation
Recital 45

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(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 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.</td>
<td>(45) Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming, including when connecting to non-terrestrial networks on aircrafts or vessels. Roaming providers should ensure customers are effectively protected against incurring roaming charges while they are located in their Member State. This should include an opt-in mechanism to roam in a network outside of the Union and adequate and timely and clear information measures in order to protect and empower customers to actively prevent such instances of inadvertent roaming, including cut-off limits. 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.</td>
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Justification

It is important to have an opt-in mechanism, transparency obligations and cut-off limits apply to inadvertent roaming and non-terrestrial networks. Consumers need to be better protected in those situations.
(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 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

Inadvertent roaming in border regions remains a challenge for the operators and consumers. While it was problematic to address this issue in the past, new technologies allow the operators to minimise the adverse impact of this phenomenon and therefore, operators should be encouraged to enrol them if possible and cost-efficient.
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 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.

Amendment 67
Adam Bielan

Proposal for a regulation
Recital 47

(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 a guarantee that this limit will not be exceeded without prior warning and informed consent delivered via an appropriate notification in a media format that can be freely consulted. There should be no exceptions to this guarantee linked to cases of force majeure, thus avoiding bill shocks during exceptional crisis periods. 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 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 withdraw from 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.
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 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.

Offer to all their roaming customers, free of charge, with an appropriate notification unless the roaming customer opts-out from 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 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. Customer should be further notified of such opportunity before conclusion of the contract. Unless customers state otherwise, they should be put on a default limit system.

Or. en

Amendment 68
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Adriana Maldonado López, Biljana Borzan

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 SMS communications and those terminating in another Member State. This continues to affect more vulnerable customer groups and to pose barriers to seamless communication within the EU. 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 69
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

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. 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
market.

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 from the Union and outside the Union 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.

Or. en

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 70
Adam Bielan

Proposal for a regulation
Recital 50 a (new)

Text proposed by the Commission

(50a) Roaming tariffs incurred by roaming customers when they connect, actively or inadvertently, to non-terrestrial networks are significantly higher than tariffs for regulated roaming services. Therefore, additional safeguard and transparency measures should be introduced to apply also on roaming on non-terrestrial networks on board vessel and aircraft, due to the limited tools protecting roaming customers on non-terrestrial networks.

Or. en
Amendment 71  
Rasmus Andresen

Proposal for a regulation  
Recital 53

Text proposed by the Commission

(53) Number ranges, including those used for value added services, are set in the national numbering plans and are not harmonised at Union level. Operators may therefore not be able to recognise the numbering ranges for value added services in all countries in advance. Numbering ranges used for value added services are subject to particular pricing conditions at the national level and in many cases their termination rates are not regulated. While this is understood to roaming providers, the level of the wholesale charges they will incur may still be unexpectedly high. In a roaming scenario, operators are unable to address this issue, because they lack information on number ranges used for value added services throughout the Union. To address this problem BEREC should establish and maintain a single Union-wide, secure database for value added services’ numbering ranges. The database is intended as a transparency tool that will enable National Regulatory Authorities (NRAs) and operators to have direct access to information about which numbering ranges can generate higher costs (termination rates) in all Member States. It represents a necessary intermediate step to increase transparency at retail level as it could be used to inform roaming customers about the types of services that may be subject to increased charges when roaming. BEREC should establish the procedures by which the competent authorities are to provide and update the information requested under Article 17.

Amendment

(53) Number ranges, including those used for value added services, are set in the national numbering plans and are not harmonised at Union level. Operators may therefore not be able to recognise the numbering ranges for value added services in all countries in advance. Numbering ranges used for value added services are subject to particular pricing conditions at the national level and in many cases their termination rates are not regulated. While this is understood to roaming providers, the level of the wholesale charges they will incur may still be unexpectedly high. In a roaming scenario, operators are sometimes unable to address this issue, because they lack information on number ranges used for value added services throughout the Union. To address this problem BEREC should establish and maintain a single Union-wide, secure database for value added services’ numbering ranges. The database is intended as a transparency tool that will enable National Regulatory Authorities (NRAs) and operators to have direct access to information about which numbering ranges can generate higher costs (termination rates) in all Member States. It represents a necessary intermediate step to increase transparency at retail level as it should be used to inform roaming customers about the types of services that may be subject to increased charges when roaming. BEREC should establish the procedures by which the competent authorities are to provide and update the information requested under Article 17 and should create the necessary conditions for roaming providers to
ensure that the use of value added services is provided under the same prices as if such services were consumed domestically.

Or. en

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for enhancing customers’ safeguards on value added services.

Amendment 72
Adam Bielan

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) Number ranges, including those used for value added services, are set in the national numbering plans and are not harmonised at Union level. Operators may therefore not be able to recognise the numbering ranges for value added services in all countries in advance. Numbering ranges used for value added services are subject to particular pricing conditions at the national level and in many cases their termination rates are not regulated. While this is understood to roaming providers, the level of the wholesale charges they will incur may still be unexpectedly high. In a roaming scenario, operators are unable to address this issue, because they lack information on number ranges used for value added services throughout the Union. To address this problem BEREC should establish and maintain a single Union-wide, secure database for value added services’ numbering ranges. The database is intended as a transparency tool that will enable National Regulatory Authorities (NRAs) and operators to have direct access to information about which numbering ranges can generate higher costs

Amendment

(53) Number ranges, including those used for value added services, are set in the national numbering plans and are not harmonised at Union level. Operators may therefore not be able to recognise the numbering ranges for value added services in all countries in advance. Numbering ranges used for value added services are subject to particular pricing conditions at the national level and in many cases their termination rates are not regulated. While this is understood to roaming providers, the level of the wholesale charges they will incur may still be unexpectedly high. In a roaming scenario, operators are unable to address this issue, because they lack information on number ranges used for value added services throughout the Union. To address this problem BEREC should establish and maintain a single Union-wide, secure database for value added services’ numbering ranges. The database is intended as a transparency tool that will enable National Regulatory Authorities (NRAs) and operators to have direct access to information about which numbering ranges can generate higher costs
(termination rates) in all Member States. It represents a necessary intermediate step to increase transparency at retail level as it could be used to inform roaming customers about the types of services that may be subject to increased charges when roaming. BEREC should establish the procedures by which the competent authorities are to provide and update the information requested under Article 17.

Amendment 73
Rasmus Andresen

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

*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 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 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.

Amendment necessary for ensuring legislative coherence throughout the text on inadvertent roaming and cut-off limits.

Amendment 74
Rasmus Andresen
Proposal for a regulation
Recital 62

Text proposed by the Commission

(62) In order to ensure that the maximum wholesale charges are based on recent and updated data, the power to

Amendment

deleted
adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network. This Regulation should lay down the detailed criteria and parameters on the basis of which the values of those maximum wholesale charges are set. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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Amendment 75
Ivars Ijabs, Dita Charanzová, Vlad-Marius Botoş, Claudia Gamon

Proposal for a regulation
Recital 63

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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<td>(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications</td>
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networks, when travelling within the Union, do not pay excessive prices for 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.

Amendment 76
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Maria Grapini, Adriana Maldonado López, Andreas Schieder, Biljana Borzan

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 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

Amendment

(63) Since the objectives of this Regulation, namely to provide for a common approach for ensuring that users of public mobile communications networks and users of non-terrestrial networks in aircrafts and vessels, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, while increasing consumer protection, transparency and ensuring...
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.

**Justification**

This amendment is necessary to reflect the other related amendments.

**Amendment 77**

Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

**Proposal for a regulation**

**Article 2 – paragraph 2 – point d**

**Text proposed by the Commission**

(d) ‘visited network’ means a terrestrial public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator;

**Amendment**

(d) ‘visited network’ means a public mobile communications network situated in a Member State other than that of the roaming customer’s domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator;

**Justification**

This Amendment is necessary to reflect other related amendments and changes in the text.
Amendment 78
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

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

Text proposed by the Commission
(f) ‘roaming customer’ means a customer of a roaming provider of regulated roaming services, by means of a terrestrial public mobile communications network situated in the Union, whose contract or arrangement with that roaming provider permits Union-wide roaming;

Amendment
(f) ‘roaming customer’ means a customer of a roaming provider of regulated roaming services, by means of a public mobile communications network situated in the Union, whose contract or arrangement with that roaming provider permits Union-wide roaming;

Or. en

Justification
This Amendment is necessary to reflect other related amendments and changes in the text.

Amendment 79
Evžen Tošenovský

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission
1. Mobile network operators shall meet all reasonable requests for wholesale roaming access, in particular allowing the roaming provider to replicate the retail mobile services offered domestically, when technically feasible.

Amendment
1. Mobile network operators shall meet all reasonable requests for wholesale roaming access, in particular allowing the roaming provider to offer the retail mobile services adequate to those offered domestically, when available and technically feasible within the visited framework.

Or. en
Amendment 80
Evžen Tošenovský

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers, on any network technology and generation available.

Amendment

3. Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers in accordance with paragraph 1.

Or. en

Amendment 81
Evžen Tošenovský

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. Roaming providers shall ensure, when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service.

Amendment

2. Roaming providers shall ensure, deleted when technically feasible, that regulated retail roaming services are provided under the same conditions as if such services were consumed domestically, in particular in terms of quality of service.

Or. en

Amendment 82
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Article 5 a (new)
Text proposed by the Commission

**Amendment**

**Article 5a**

*Abolition of retail charges for regulated intra-EU communications*

1. Providers of electronic communication services to the public shall not apply tariffs for intra-Union fixed and mobile communications services terminating in another Member State different from tariffs of services terminating in the same Member State, unless the provider demonstrates the existence of direct costs that are objectively justified.

2. Six months after the entry into force of this Regulation, BEREC shall provide guidelines on the recovery of such objectively justified direct costs pursuant to paragraph 1.

3. One year after the entry into force of this Regulation and biannually thereafter, the European Commission shall, after receiving an opinion by BEREC, provide a report on the application of the obligations of paragraph 1, including an assessment of the evolution of intra-Union communication tariffs.

*Or. en*

**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 83**

Anne-Sophie Pelletier
Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1– point b a (new)

Text proposed by the Commission

Amendment

(ba) roaming providers may not insist on the exceptional application of additional retail roaming charges for the use of retail roaming services due to the protracted stay of a European citizen in a Member State, whatever the circumstances. Roaming providers shall ensure that roaming customers are not obliged to comply with any clause on the duration of roaming.

Or. fr

Amendment 84
Rasmus Andresen

Proposal for a regulation
Article 9 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Without prejudice to Part III, Title III of Directive (EU) 2018/1972, roaming providers shall ensure that a contract which includes any type of regulated retail roaming service specifies the characteristics of that regulated retail roaming service provided, including in particular:

3. Without prejudice to Part III, Title III of Directive (EU) 2018/1972, roaming providers shall ensure the highest quality of service available in every country and shall guarantee that a contract which includes any type of regulated retail roaming service specifies the characteristics of that regulated retail roaming service provided, including in particular:

Or. en

Justification

Amendment necessary for guaranteeing to roaming customers a complete RLAH experience.

Amendment 85
Evžen Tošenovský
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 that can reasonably be expected when roaming in the Union, including in particular information on the speed and potential limitation to the transmission of data.

Or. en

Amendment 86
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri, Virginie Joron, Jean-Lin Lacapelle, Markus Buchheit

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 about the quality of service that can reasonably be expected when roaming in the Union including the estimated download and upload speed of the data access services.

Or. en

Amendment 87
Ivars Ijabs, Dita Charanzová, Vlad-Marius Botoș, Claudia Gamon

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 that can reasonably be expected when roaming in the Union including in particular information on the speed and potential limitation to the transmission of data.
Amendment 88  
Rasmus Andresen

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 intelligible information on the quality of service available when roaming in the Union and on the divergences from the quality included in the national subscription.

Or. en

Amendment 89  
Rasmus Andresen

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

Text proposed by the Commission  

4a. Roaming providers shall ensure that a contract includes clear information on the procedure to follow to file complaints if the quality of service is not guaranteed.

Amendment

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for enhancing customers’ information.

Amendment 90  
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan
Proposal for a regulation
Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Within six months after the entry into force of this Regulation, and in order to contribute to the consistent application of this and related provisions, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, update its retail roaming guidelines regarding the implementation of the quality of service, transparency and other relevant requirements to protect consumers under this Regulation.

Or. en

Justification

This amendment is needed to reflect the amendments made to recitals. It strengthens the AM 11 proposed by the rapporteur.

Amendment 91
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Biljana Borzan, Andreas Schieder

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.

Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information. The visited network operator shall also not levy on the roaming provider any charge related to other non-emergency crucial communications services of social value initiated by the roaming customer.

Or. en
Justification

There are other numbers besides 112 that are of crucial social value for European citizens, and access to them without additional cost barriers when roaming should be guaranteed. Such numbers include missing children and child hotlines, contact numbers for assistance services to passengers with disabilities for rail, air, bus and coach, and waterway transport, including for urban transport, accessibility relay services for persons with disabilities, Covid-information lines, suicide prevention and domestic violence victims’ support helplines, and others.

Amendment 92
Anne-Sophie Pelletier

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission
Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.

Amendment
Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information. Visited network operator shall also not levy on the roaming provider any charge related other non-emergency crucial communications initiated by the roaming customer.

Amendment 93
Rasmus Andresen

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 3

Text proposed by the Commission
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

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

Roaming providers shall also ensure that the use of value added services is provided under the same conditions as if such services were consumed domestically.

Amendment 94
Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri, Virginie Joron, Jean-Lin Lacapelle, Markus Buchheit

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

Such communications shall be guaranteed and easily accessible in particular for roaming customers living with a disability.
Amendment 95
Adam Bielan

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 3

Text proposed by the Commission

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

Amendment

Following the establishment of the BEREC database, 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 access free of charge dedicated webpage providing information about the types of services that may be subject to increased costs and, if available, information on value added services number ranges.

Amendment 96
Rasmus Andresen

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 providers.

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 SMS roaming services supplied by
customers travelling outside the Union and provided by a roaming provider.

roaming providers and used by roaming customers travelling outside the Union, inadvertently roaming outside the Union and for using non-terrestrial networks with automatic handover on marine vessels and on board aircrafts.

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for strengthening customers’ protection from inadvertent connections.

Amendment 97
Ivars Ijabs, Dita Charanzová, Vlad-Marius Botoș, Claudia Gamon

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 SMS roaming services used by roaming customers travelling outside the Union and provided by a roaming provider and for using non-terrestrial networks on board of aircrafts or marine vessels.

Amendment 98
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 7

Text proposed by the Commission

The first, second, fifth and sixth

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 SMS roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.

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, inadvertently roaming outside the Union and provided by a roaming provider or by using non-terrestrial networks.

Justification

The transparency measures must unequivocally apply to inadvertent roaming and roaming while on boats and ships.

Amendment 99
Rasmus Andresen

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 provide reasonable cut-off limits and grant their roaming customers the opportunity to block non EU/EEA networks, unless their customers request to opt-in, in order to avoid inadvertent roaming in border regions, including the use of non-terrestrial networks with automatic handover on marine vessels and on board aircrafts. Roaming providers shall take reasonable steps to protect and inform in a clear and intelligible manner their customers from the risk of paying additional charges for inadvertently accessed roaming services while situated in their home Member State.

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for
strengthening customers’ protection from inadvertent connections.

Amendment 100
Ivars Ijabs, Dita Charanzová, Vlad-Marius Botoş, Claudia Gamon

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 while using non-terrestrial networks with automatic handover on board aircrafts or marine vessels and 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.

Or. en

Amendment 101
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

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 ensure their customers are protected from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State.

Or. en
Justification

Consumer organisations have received complaints for inadvertent roaming and roaming while on boats and ships. It is important providers improve the current situation towards consumers. Therefore, we demand greater certainty in the text.

Amendment 102
Rasmus Andresen

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 reasonable steps to protect and inform in a clear and intelligible manner their customers from the risk of paying additional charges for inadvertently accessed roaming services while situated in their home Member State. This shall include an obligation to roaming providers to block non EU/EEA networks, unless their customers request to opt-in, in order to avoid inadvertent roaming in border regions, including the use of non-terrestrial networks with automatic handover on marine vessels and on board aircrafts.

Or. en

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for strengthening customers’ protection from inadvertent connections.

Amendment 103
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Article 15 – paragraph 6
6. Roaming providers shall take reasonable steps to protect their customers from inadvertently accessing roaming services while situated in their home Member State. This shall include informing customers on how to avoid inadvertent roaming in border regions.

6. Roaming providers shall take the necessary measures to effectively protect their customers from inadvertently accessing roaming services while situated in their home Member State. This shall include ensuring customers can opt-in to roaming outside the EU in border regions and informing customers on how to effectively avoid inadvertent roaming in border regions.

**Justification**

There is still not sufficient protection for consumers with inadvertent roaming and operators need to ensure better protection of their customers.

**Amendment 104**
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

**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 data roaming services used by roaming customers when using non-terrestrial networks.

**Justification**

This amendment brings more protections towards consumers who experience bill-shocks.
when roaming using non-terrestrial networks.

Amendment 105
Rasmus Andresen

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Roaming providers shall ensure that their roaming customers are kept adequately informed on the means of access to emergency services in the visited Member State.

Amendment

Roaming providers shall ensure that their roaming customers are kept adequately informed on the means of access to emergency services in the visited Member State. This shall include equivalent access and choice for end-users with disabilities in accordance with Directive (EU) 2018/1972.

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for allowing persons with disabilities to live a real RLAH experience on an equal basis with others.

Amendment 106
Rasmus Andresen

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

Amendment

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, and via all 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.

appropriate means established in Directive (EU) 2018/1972, in order to ensure that end-users with disabilities can access emergency services on an equivalent basis with others, 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.

Or. en

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for allowing persons with disabilities to live a real RLAH experience on an equal basis with others.

Amendment 107
Ivars Ijabs, Dita Charanzová

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 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 and any alternative public warning systems as set down in Article 110 of Directive (EU) 2018/1972. 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
BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State to be made accessible for national regulatory authorities and operators. The database shall be established by 31 December 2023. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State to be made accessible for national regulatory authorities and operators and shall create the necessary conditions for roaming providers to ensure that the use of value added services is provided under the same prices as if such services were consumed domestically. BEREC shall ensure adequate means of access to emergency services to customers, in particular to persons with disabilities in accordance with Directive (EU) 2018/1972. The database shall be established by 31 December 2023. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.
persons with disabilities to live a real RLAH experience on an equal basis with others.

Amendment 109
Adam Bielan

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State to be made accessible for national regulatory authorities and operators. The database shall be established by 31 December 2023. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

Amendment

BEREC shall establish and maintain a single Union-wide database of value added services numbering ranges in each Member State to be made accessible for national regulatory authorities and operators. The database shall be established at latest by 30 June 2022. To that end, the NRA or other competent authorities shall, by electronic means, provide the necessary information and the relevant updates to BEREC without undue delay.

Or. en

Amendment 110
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Article 17a

Application of retail charges for value-added services

1. Roaming customers that are roaming within the Union shall in principle pay the same amount as local customers for value-added services and other non-emergency crucial communications services of social value and ensure that customers keep paying the same price as at home when resorting
to those services from their home country when travelling within the Union, if technically feasible.

2. Without prejudice to paragraph 1, customers shall be informed in their contract and notified and warned upfront, in a timely, user-friendly manner and free of charge, when communications to value added services numbers in roaming can entail additional charges. They shall also be informed in a similar manner of any applicable cut-off limit which consumers can opt-out from, in line with the BEREC guidelines referred to in paragraph 3.

3. Within six months after the entry into force of this Regulation, and in order to contribute to the consistent application of this and related provisions, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, update its roaming guidelines regarding how to best implement provisions related to value-added services in the interest of consumers and the internal market.

Or. en

Justification

If the EU is to build a real single market and fully abolish roaming costs, it should adopt the rule that consumers that are roaming within the EU/EEA will pay the same amount for value-added services like locals do and ensure that consumers keep paying the same price as at home when resorting to value-added services from their home country when travelling within the EU/EEA, if technically feasible. If charges apply, consumers must be informed upfront in an unambitious manner. It is important cut-off limits also apply to value-added services to avoid bill shocks by consumers when roaming.

Amendment 111
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan, Brando Benifei

Proposal for a regulation
Article 18 – paragraph 1 a (new)
Text proposed by the Commission

1a. National regulatory authorities shall ensure that roaming all information referred to in Articles 9, 14, 15, 16, 17, and 18 which is provided to customers, is accessible for persons with disabilities in accordance with requirements of Directive (EU) 2019/882 (European Accessibility Act), the information does not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe’s Common European Framework of Reference for Languages, as well as is provided in easy-to-read format.

Or. en

Justification

It is important that all customers, including customers with disabilities, are sufficiently informed about their rights and obligations as consumers of roaming mobile services, so all information should be easy to understand and accessible for everyone.

Amendment 112
Anne-Sophie Pelletier

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, 11, and 12, publicly available in a manner that enables interested parties to have easy access to it.

Amendment

2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, 11, and 12, 13, and 18 (new) publicly available in a manner that enables accessible to interested parties to have easy access to it, including to persons with disabilities.

Or. en
Amendment 113
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan, Brando Benifei

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, 11, and 12, publicly available in a manner that enables interested parties to have easy access to it.

Amendment

2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, 11, 12, 13, and 18 (1 a) publicly available in a manner accessible to interested parties, including to persons with disabilities.

Or. en

Justification

It is important that national regulatory authorities also monitor implications of roaming on equal access to electronic communications by persons with disabilities, that this information is systematically collected and available in accessible manner, so that organisations of persons with disabilities can engage in monitoring as rights-holders.

Amendment 114
Anne-Sophie Pelletier

Proposal for a regulation
Article 18 a (new)

Text proposed by the Commission

Article 18a

Accessibility of information provided to customers

Roaming providers shall ensure that all information referred to in Articles 9, 14, 15, 16, 17, and 18 which is provided to customers, is accessible for persons with disabilities in accordance with requirements of Directive (EU) 2019/882 (European Accessibility Act), the
information does not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe’s Common European Framework of Reference for Languages, as well as is provided in easy-to-read format.

Or. en

Amendment 115
Rasmus Andresen

Proposal for a regulation
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a
Accessibility of information provided to customers
Roaming providers shall ensure that all information provided to customers, in particular the information contained in Articles 9, 14, 15, 16, 17 and 18, is accessible for persons with disabilities, in accordance with Directive (EU) 2019/882. Information shall be provided in easy-to-read format and shall not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe’s Common European Framework of Reference for Languages.

Or. en

Justification

Amendment necessary for ensuring legislative coherence throughout the text and for allowing persons with disabilities to live a real RLAH experience on an equal basis with others.

Amendment 116
Anne-Sophie Pelletier
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 this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029.

Amendment

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 this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029. The reports shall include, inter alia, an assessment of effectiveness of this Regulation on ensuring equal access to electronic communications by persons with disabilities when travelling within EU/EEA.

Amendment 117
Rasmus Andresen

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

Amendment

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 present a legislative proposal to amend this Regulation, including a proposal for lowering 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.

Or. en
Amendment 118
Adam Bielan

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

Text proposed by the Commission

Amendment

(aa) the uptake of the new technologies and measures minimising the risk of inadvertent roaming by the operators and to what extent these technologies contributed to limiting issues for consumers living in border regions.

Or. en

Amendment 119
Adam Bielan

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) the evolution of the machine-to-machine roaming;

(c) the evolution of the machine-to-machine and IoT roaming, including for consumer devices;

Or. en

Amendment 120
Rasmus Andresen

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

Text proposed by the Commission

Amendment

(ia) the impact of the obligation to ensure the highest quality of service available when travelling;
Amendment 121
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

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 best resolved to protect consumers and secure an internal single market;

Or. en

Justification
This amendment is needed to ensure the Regulation will be effective in the future and can address any issue regarding value-added services that this Regulation did not cover.

Amendment 122
Adam Bielan

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 the extent to which BEREC database addressed these problems;

Or. en

Justification
Amendment 123
Rasmus Andresen

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, inadvertent roaming and how those problems can be resolved;

Or. en

Justification

Amendment necessary for ensuring legislative coherence throughout the text.

Amendment 124
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan, Brando Benifei

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 2 – point k a (new)

Text proposed by the Commission
(ka) effectiveness of this Regulation on ensuring equal access to electronic communications by persons with disabilities when travelling within EU/EEA.

Amendment
Or. en

Justification

The European Electronic Communications Code sets obligations for providers to ensure equal access to electronic communications, including emergency communications, by persons with disabilities. It is important to monitor and assess the implications roaming costs can have on consumers with disabilities, to make sure that they are not put in less favourable position than other consumers of roaming services and that this Regulation is consistent with the objectives set by the Code.
Amendment 125
Rasmus Andresen

Proposal for a regulation
Article 21 – paragraph 1 – subparagraph 2 – point k a (new)

Text proposed by the Commission

(ka) The effectiveness of this Regulation on ensuring equal access to electronic communications by persons with disabilities.

Amendment

Or. en

Justification

Amendment necessary for ensuring legislative coherence throughout the text.

Amendment 126
Evžen Tošenovský

Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively, on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, and on the extent to which wholesale roaming agreements cover quality of service and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming.

Amendment

In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively, on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, and on the extent to which wholesale roaming agreements cover quality of service and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming.
application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on transparency, the application of measures on emergency communication and on value added services.

Amendment 127
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively, on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, and on the extent to which wholesale roaming agreements cover quality of service and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on all relevant

Amendment

In order to assess competitive developments in the Union-wide roaming markets, BEREC shall collect data regularly from national regulatory authorities on developments in retail and wholesale charges for regulated voice, SMS and data roaming services, including wholesale charges applied for balanced and unbalanced roaming traffic respectively, on the use of trading platforms and similar instruments, on the development of machine-to-machine roaming, and on the extent to which wholesale roaming agreements cover quality of service and give access to different network technologies and generations. BEREC shall also collect data regularly from national regulatory authorities on the application of fair use policy by operators, the developments of domestic-only tariffs, the application of the sustainability mechanisms and complaints on roaming. When consulted pursuant to paragraph 1, BEREC shall collect and provide additional information on all relevant
application of measures on emergency communication and on value added services.

points, including but not limited to transparency, the application of measures on emergency communication and on value added services.

Justification

BEREC should be consulted and provide independent expert advice about all relevant information, market developments and provisions in this Regulation.

Amendment 128
Adam Bielan

Proposal for a regulation
Article 22

Text proposed by the Commission

Amendment

Article 22 deleted

Revision of the maximum wholesale charges

The Commission shall, taking utmost account of the opinion of BEREC, adopt a delegated act in accordance with Article 23 to amend the maximum wholesale charges that a visited network operator can levy on the roaming provider for the provision of regulated voice, SMS or data roaming services by means of that visited network under Articles 10, 11 and 12.

To that end, the Commission shall:

(a) comply with the principles, criteria and parameters set out in Annex I;
(b) take into account the current average wholesale rates charged across the Union and the need to leave appropriate economic space for the commercial market to evolve;
(c) take into account market information provided by BEREC, national regulatory authorities or, directly, by undertakings providing electronic
Amendment 129
Adam Bielan

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment

Article 23

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 21 and 22 shall be conferred on the Commission for an indeterminate period of time from 1 January 2025.

3. The delegation of power referred to in Articles 21 and 22 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 21 and 22 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.
Text proposed by the Commission

Amendment

This Regulation shall apply from the date of its entry into force. However, Articles 14 and 16 shall apply from 1 April 2023.

Or. en

Justification

As some information on value added services and alternative ways to access emergency services will be accessible to providers of roaming services only after the entry into force of this Regulation, it is necessary to postpone the application of articles 14 and 16.

Amendment 132
Alex Agius Saliba, Christel Schaldemose, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Maria Grapini, Andreas Schieder, Biljana Borzan

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

Amendment

It shall expire on 30 June 2032.

deleted

Or. en

Justification

Roaming rules should apply without an expiry date. For this, both Article 26 and recital 4 need to be changed. To be proportionate, the review procedure (article 21) shall ensure the Regulation can be subject to amendments when reviewing the Regulation biannually. This change is no contrary to the case law of the Court of Justice of the European Union – notably case C-58/08, para. 69 and respect the requirement to be “limited in time” due to periodic reviews leading to possible amendment proposals.