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Committee on Industry, Research and Energy

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PE 386.538v03-00

AMENDMENTS 227-348

Draft report
Paul Rübiger

(PE 384.334v01-00)

Roaming on public mobile networks within the Community and amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services

Proposal for a regulation (COM(2006)0382 – C6-0244/2006 – 2006/0133(COD))

Text proposed by the Commission

Amendments by Parliament

Amendment by Umberto Guidoni

Amendment 227
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall provide to its roaming **customer on request** personalised pricing information on the retail charges that apply to the making and **receipt** of calls by that customer in the visited Member State.

1. Each home provider shall provide to **each of its roaming customers automatically when they enter another Member State, by means of a single short message service (SMS) or other appropriate service for visually-impaired customers, without undue delay and free of charge**, personalised pricing information on the **per-minute** retail charges **(including VAT)** that apply to the making and **receiving** of calls **and to the sending and receiving of SMS and MMS and any other data communication services** by that customer **on every network** in the visited Member State.

Or. en

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PE 386.538v02-00

Amendment by Nikolaos Vakalis

Amendment 228
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall **provide** to its roaming customer **on request personalised pricing information on the** retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. Each home provider shall **send free of charge** to its roaming customer, **automatically when he enters another Member State and without undue delay after the customer's connection to a visited network, a Short Message Service (SMS), giving information on the personalised roaming** retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

Or. en

Justification

There is great need for absolute transparency of retail tariffs. The consumers must be able to choose among the different operators in the visited country the one for the roaming services of whom his home operator offers the best retail tariffs.

Amendment by Herbert Reul, Werner Langen, Daniel Caspary

Amendment 229
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall provide to its roaming customer **on request** personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. Each home provider shall provide **automatically and free of charge by Short Message Service (SMS)** to its roaming customer, **when he enters another Member State**, personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

Or. de

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 230
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall provide to its roaming customer ***on request*** personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. Each home provider shall provide to its roaming customer personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

Or. en

Amendment by Daniel Caspary

Amendment 231
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall provide to its roaming customer ***on request*** personalised pricing information on the retail charges that apply to the making ***and receipt*** of calls by that customer in the visited Member State.

1. Each home provider shall provide ***free of charge*** to its roaming customer, ***immediately after he has logged on to a mobile network other than his home network***, personalised pricing information ***by SMS*** on the retail charges that apply to the making of calls by that customer in the visited Member State. ***The customer may opt not to receive this service.***

Or. de

Justification

This service is in the interest of greater transparency.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 232
ARTICLE 7, PARAGRAPH 1

1. ***Each*** home provider shall provide ***to its roaming customer on request*** personalised pricing information ***on the retail charges that apply to the making and receipt of calls by that customer in the visited Member***

1. ***Unless the roaming customer has notified the home provider to the contrary, each*** home provider shall, ***by sending an automatic SMS, provide, within one hour of the roaming customer's entry into***

State.

another Member State, the personalised pricing information provided for in paragraph 4, first subparagraph. A customer that has given notice that he does not require the automatic SMS shall have the right at any time to require the home provider to provide the service again.

Home providers shall not be required to provide information by automatic SMS if they make per minute price information relating to an individual call the customer is intending to make available through a message immediately preceding the connection of that call, enabling the customer to desist from making the call without any charge, or, whether the call is made or received, if they make the information, including the cost of the call while the call is in progress, accessible on the device display throughout the call.

Home providers shall offer blind or partially sighted customers information by voice on request.

Or. en

Justification

Among other things, the amendments to Article 7 introduce a system where abridged information on roaming prices will be provided automatically, unless the customer has decided otherwise, by SMS, and where complete information will be available on request. As alternatives, operators may offer information in real time with respect to individual calls.

Amendment by David Hammerstein Mintz

Amendment 233

ARTICLE 7, PARAGRAPH 1

1. *Each* home provider shall provide to its roaming customer *on request* personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. *Unless the roaming customer has notified to the home provider to the contrary, each* home provider shall provide to its roaming customer *automatically when he enters another Member State by means of a single short message service (SMS) without undue delay and free of charge the*

personalised pricing information on the *per-minute* retail charges (*including VAT*) that apply to the making and the receipt of calls by that customer in the visited Member State.

Or. en

Amendment by Erika Mann

Amendment 234
ARTICLE 7, PARAGRAPH 1

1. *Each* home provider shall provide to its roaming customer *on request* personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. *Unless the roaming customer has notified to the home provider to the contrary, each* home provider shall provide to its roaming customer *automatically when he enters another Member State by means of a single short message service (SMS) without undue delay and free of charge* the personalised pricing information on the *per-minute* retail charges (*including VAT*) that apply to the making and the receipt of calls by that customer in the visited Member State.

Or. en

Amendment by Šarūnas Birutis

Amendment 235
ARTICLE 7, PARAGRAPH 1

1. *Each* home provider shall provide to its roaming customer *on request* personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. *Unless the roaming customer has notified to the home provider to the contrary, each* home provider shall provide to its roaming customer *automatically when he enters another Member State by means of a single short message service (SMS) without undue delay and free of charge* the personalised pricing information on the *per-minute* retail charges (*including VAT*) that apply to the making and the receipt of calls by that customer in the visited Member

State.

Or. en

Justification

It is important that Customers receive adequate information on the price of international roaming calls. More detailed information should be obtainable on request.

Amendment by Angelika Niebler und Christian Ehler

Amendment 236
ARTICLE 7, PARAGRAPH 1

1. ***Each*** home provider shall provide to its roaming customer ***on request*** personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. ***Unless the roaming customer has notified the home provider to the contrary, each*** home provider shall provide to its roaming customer ***automatically when he enters another Member State by means of a single Short Message Service (SMS) without undue delay and free of charge the basic*** personalised pricing information on the ***per-minute*** retail charges (***including VAT***) that apply to the making and receipt of calls by that customer in the visited Member State.

Or. de

Justification

It is important that roaming customers should be informed automatically and without delay of the essential details of charges payable.

Amendment by Romano Maria La Russa

Amendment 237
ARTICLE 7, PARAGRAPH 1

1. ***Each*** home provider shall provide to its roaming customer ***on request personalised pricing information on the retail*** charges that apply to the making and receipt of calls

1. ***Unless the roaming customer has notified the home provider to the contrary, each*** home provider shall provide to its roaming customer ***automatically and***

by that customer in the visited Member State.

without undue delay, by sending an SMS, information on the roaming charges that apply to the making and receipt of calls by that customer in the visited Member State.

Or. en

Amendment by Renato Brunetta and Pia Elda Locatelli

Amendment 238
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall provide to ***its roaming customer on request*** personalised pricing information on the retail charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. ***With a view to optimising tariff schemes,*** each home provider shall provide to ***every*** roaming customer personalised pricing information on the retail charges that apply to the making and receipt of calls ***and to the sending and receipt of SMS and MMS and other international roaming data communication services*** by that customer in the visited Member State. ***In so doing providers shall rule out any cost entailed in alternations to tariff schemes.***

Or. it

Amendment by Francisca Pleguezuelos Aguilar

Amendment 239
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall ***provide to its roaming customer on request personalised*** pricing information on the retail charges that apply to the making and receipt of calls by ***that customer*** in the visited Member State.

1. Each home provider shall ***be obliged to supply consumers, automatically and free of charge, with essential basic*** pricing information on the retail charges that apply to the making and receipt of calls by ***those customers*** in the visited Member State.

Or. es

Justification

To facilitate transparency and simplify procedures for consumers.

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 240
ARTICLE 7, PARAGRAPH 2

2. The customer may choose to make such a request by means of a mobile voice call or by sending an SMS (Short Message Service), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay). *deleted*

Or. en

Amendment by Nikolaos Vakalis

Amendment 241
ARTICLE 7, PARAGRAPH 2

2. The customer may choose to make *such* a request *by means of a mobile voice call or* by sending an SMS (*Short Message Service*), *in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).*

2. The customer may choose to make a request by sending an SMS *or making a voice call in order to receive further information on the roaming charges that apply to the provision of other services. A charge may be made for the provision of any additional information requested.*

Or. en

Justification

There is great need for absolute transparency of retail tariffs. The consumers must be able to choose among the different operators in the visited country the one for the roaming services of whom his home operator offers the best retail tariffs.

Amendment by Herbert Reul, Werner Langen, Daniel Caspary

Amendment 242
ARTICLE 7, PARAGRAPH 2

2. ***The customer may choose to make such a request by means of a mobile voice call or by sending an SMS (Short Message Service), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).***

2. ***Alternatively, each home provider may comply with its obligation under paragraph 1 by sending its roaming customers personalised pricing information on request, either by means of a mobile voice call or by sending an SMS.***

Or. de

Amendment by Francisca Pleguezuelos Aguilar

Amendment 243
ARTICLE 7, PARAGRAPH 2

2. ***The customer may choose to make such a request by means of a mobile voice call or by sending an SMS (Short Message Service), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).***

2. ***Home providers shall also be obliged to supply consumers automatically with a telephone number enabling them to obtain additional information. The information service referred to above shall be provided free of charge, both as regards the making of the request and the receipt of the information requested.***

Or. es

Justification

To facilitate transparency and simplify procedures for consumers.

Amendment by Pilar del Castillo Vera

Amendment 244
ARTICLE 7, PARAGRAPH 2

2. The customer *may choose to make such a request by means of a mobile voice call or by sending an SMS (Short Message Service), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).*

2. The customer *shall, where possible, receive a message from his/her home provider within an hour of entering a visited Member State notifying him/her as to how he/she can receive complete, personalised pricing information on request and* without undue delay.

Or. en

Justification

The communication of large amounts of information including non voice services would be annoying for customers. Thus, customers should simply be sent a message informing them of how they can get further information free of charge, should they so wish. This message should be sent within an hour of the consumer entering a visited Member State, although this may take longer where there are problems of network coverage.

Amendment by David Hammerstein Mintz

Amendment 245 ARTICLE 7, PARAGRAPH 2

2. The customer may *choose to make such* a request by means of a mobile voice call or by sending an SMS (*Short Message Service*), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

2. The customer *may* make a request *for complete personalised pricing information on the applicable roaming charges of voice calls* by means of a mobile voice call or by sending an SMS, in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

Or. en

Amendment by Šarūnas Birutis

Amendment 246 ARTICLE 7, PARAGRAPH 2

2. The customer *may choose to make such* a

2. The customer *may* make a request *for*

request by means of a mobile voice call or by sending an SMS (**Short Message Service**), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

complete personalised pricing information on the applicable roaming charges of voice calls by means of a mobile voice call or by sending an SMS, in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

Or. en

Justification

It is important that Customers receive adequate information on the price of international roaming calls. More detailed information should be obtainable on request.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 247
ARTICLE 7, PARAGRAPH 2

2. The customer may **choose to make such a** request by means of a mobile voice call **or by sending an SMS (Short Message Service), in either case** to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

2. The customer may request **complete pricing information** by means of a mobile voice call to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

Or. en

Justification

See justification to Article 7, paragraph 1.

Amendment by Daniel Caspary

Amendment 248
ARTICLE 7, PARAGRAPH 2

2. The customer may choose to make **such** a request by means of a mobile voice call or by sending an SMS (Short Message Service), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

2. The customer may **also** choose to make a request by means of a mobile voice call or by sending an SMS (Short Message Service), in either case to a number designated for this purpose by the home provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

Or. de

Justification

This service is in the interest of greater transparency.

Amendment by Giles Chichester

Amendment 249

ARTICLE 7, PARAGRAPH 2 A (new)

2a. A roaming customer shall be entitled to receive from the home provider, as soon as is reasonably possible after he enters a Member State other than that of the home provider, an automatic SM, or other appropriate service for visually-impaired customers, that includes only personalised pricing information on the retail charges that apply to the making and receiving of calls on every network in the visited Member State. Customers may switch between push-mode (i.e. automatic price information per SMS) and pull-mode (i.e. price information per SMS on request) at any time.

Or. en

Justification

Practically, provision of all possible data service prices is unlikely to be possible in near real-time (i.e. via an SMS), while such information should be available on request, automatic provision of real-time information may be more practically restricted to voice services. Because SMS is a “best efforts” service, delivery within one hour of arrival cannot in

practice be guaranteed.

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 250

ARTICLE 7, PARAGRAPH 2 A (new)

2a. A roaming customer shall be entitled to receive from the home provider, without undue delay and as soon as possible after he enters a Member State other than that of the home provider, an automatic SMS or other appropriate service for visually-impaired customers, that includes only personalised pricing information on the retail charges that apply to the making and receiving of calls on every network in the visited Member State. Customers may switch between push-mode (i.e. automatic price information per SMS) and pull-mode (i.e. price information per SMS on request) at any time.

Or. en

Amendment by Nikolaos Vakalis

Amendment 251

ARTICLE 7, PARAGRAPH 3

3. The information service referred to above shall be provided free of charge, both as regards the making of the request and the receipt of the information requested. ***deleted***

Or. en

Justification

There is great need for absolute transparency of retail tariffs. The consumers must be able to choose among the different operators in the visited country the one for the roaming services of whom his home operator offers the best retail tariffs.

Amendment by Herbert Reul, Werner Langen, Daniel Caspary

Amendment 252
ARTICLE 7, PARAGRAPH 3

3. *The information service referred to above shall be provided free of charge, both as regards the making of the request and the receipt of the information requested.* **deleted**

Or. de

Amendment by Francisca Pleguezuelos Aguilar

Amendment 253
ARTICLE 7, PARAGRAPH 3

3. *The information service referred to above shall be provided free of charge, both as regards the making of the request and the receipt of the information requested.* **deleted**

Or. es

Justification

To facilitate transparency and simplify procedures for consumers.

Amendment by Ján Hudacký

Amendment 254
ARTICLE 7, PARAGRAPH 3

3. The information service referred to above shall be provided free of charge, **both as regards the making of the request and the receipt of the** information requested.

3. The **first transparent and sufficient pricing** information service referred to above shall be provided free of charge **whereas the cost of the costs-oriented additional** information requested **by the customer shall be determined by the operator.**

Or. en

Justification

Some operators in several Member states provide already free customer information call services. Free choice of whether to charge the pulled (requested) information will increase competition and lead to lower charges or even free additional information for customers giving thus better result than if the prices imposed by force.

Amendment by Romano Maria La Russa

Amendment 255
ARTICLE 7, PARAGRAPH 3

3. The information service referred to above shall be provided free of charge, both as regards the making of the request and the receipt of the information requested.

3. The information service referred to above shall be provided free of charge, **at least once**, both as regards the making of the request and the receipt of the information requested.

Or. en

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 256
ARTICLE 7, PARAGRAPH 3

3. The information **service** referred to above shall be provided free of charge, both as regards the making of the request and the receipt of the information requested.

3. The information **services** referred to above shall be provided free of charge, both as regards the making of the request, **if any**, and the receipt of the information requested.

Or. en

Amendment by Nikolaos Vakalis

Amendment 257
ARTICLE 7, PARAGRAPH 3

4. The personalised pricing information referred to in this Article shall be the charges applicable under the tariff scheme of the roaming customer concerned to the making

4. The personalised pricing information referred to in this Article shall be the charges applicable under the tariff scheme of the roaming customer concerned to the making

and receipt of calls on **any** visited network in the Member State in which the customer is roaming.

and receipt of calls on **every** visited network in the Member State in which the customer is roaming.

Or. en

Justification

See justification to Article 7, paragraph 1.

Amendment by Francisca Pleguezuelos Aguilar

Amendment 258
ARTICLE 7, PARAGRAPH 4

4. The **personalised** pricing information referred to in this Article shall be the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of calls on any visited network in the Member State in which the customer is roaming.

4. The **essential basic** pricing information referred to in **paragraph 1 of** this Article shall be the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of calls on any visited network in the Member State in which the customer is roaming.

Or. es

Justification

To facilitate transparency and simplify procedures for consumers.

Amendment by Lambert van Nistelrooij

Amendment 259
ARTICLE 7, PARAGRAPH 4

4. The personalised pricing information referred to in **this Article** shall **be** the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of calls on any visited network in the Member State in which the customer is roaming.

4. The personalised pricing information referred to in **paragraph 1** shall **summarise in a standardised format** the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of calls on any visited network in the Member State in which the customer is roaming **and any conditions under which the roaming customer concerned might pay**

more than the most probable charge and give the telephone number referred to in paragraph 2.

Or. en

Justification

The push SMS provide the customer with details of the most likely charge they can expect to pay for a call when roaming. But the push SMS should also indicate conditions under which a customer might pay more than this, and details of the customer service line provided pursuant to paragraph 2 which the customer can telephone to determine which conditions apply.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 260
ARTICLE 7, PARAGRAPH 4

4. The personalised pricing information referred to in ***this Article*** shall ***be*** the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of calls on ***any*** visited network in the Member State in which the customer is roaming.

4. The personalised pricing information referred to in ***paragraph 1*** shall ***summarise in a standardised format*** the charges, ***inclusive of VAT***, applicable under the tariff scheme of the roaming customer concerned to the making and receipt of ***voice*** calls on ***the*** visited network in the Member State in which the customer is roaming.

The complete pricing information referred to in paragraph 2 shall comprise the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of voice calls and to the sending and receipt of data on the visited network to any destination within the Community. The information shall highlight differences in peak and off-peak rates or any other temporal variations.

Or. en

Justification

See justification to Article 7, paragraph 1

Amendment by Umberto Guidoni

Amendment 261

ARTICLE 7, PARAGRAPH 4 A (new)

4a. The basic personalised pricing information referred to in this paragraph shall summarise the roaming charges applicable under the tariff scheme of the roaming customer concerned to the making of calls within the Member State visited and back to the home country and to the receipt of calls. The basic personalised pricing information shall include the charges of the host network. A customer who has given notice that he does not require the automatic SMS shall have the right at any time to require the service again. Home providers shall offer blind or partially sighted customers information by voice on request.

Or. en

Amendment by David Hammerstein Mintz

Amendment 262

ARTICLE 7, PARAGRAPH 4 A (new)

4a. The basic personalised pricing information referred to in this paragraph shall summarise the roaming charges applicable under the tariff scheme of the roaming customer concerned to the making of calls within the Member State visited and back to the home country and to the receipt of calls. The basic personalised pricing information shall include the charges of the host . A customer who has given notice that he does not require the automatic SMS shall have the right at any time to require the service again. Home providers shall offer blind or partially sighted customers information by voice on request.

Or. en

Amendment by Angelika Niebler und Christian Ehler

Amendment 263

ARTICLE 7, PARAGRAPH 4 A (new)

4a. The basic personalised pricing information referred to in this paragraph shall summarise the roaming charges applicable under the tariff scheme to the roaming customer concerned for the making of calls within the country visited and back to the home country and for the receipt of calls. The basic personalised pricing information shall relate to the charges levied by the home network concerned on entry into the Member State visited. A customer who has given notice that he does not require the automatic SMS shall have the right at any time to require the service again. Home providers shall offer blind or partially sighted customers information by voice on request.

Or. de

Justification

It is important that roaming customers should be informed automatically and without delay of the essential details of charges payable.

Amendment by Erika Mann

Amendment 264

ARTICLE 7, PARAGRAPH 4 A (new)

4a. The basic personalised pricing information referred to in this paragraph shall summarise the roaming charges applicable under the tariff scheme of the roaming customer concerned to the making of calls within the Member State visited and back to the home country and to the receipt of calls. The basic personalised pricing information shall include the charges of

the host network . A customer who has given notice that he does not require the automatic SMS shall have the right at any time to require the service again. Home providers shall offer blind or partially sighted customers information by voice on request.

Or. en

Amendment by Šarūnas Birutis

Amendment 265

ARTICLE 7, PARAGRAPH 4 A (new)

4a. The basic personalised pricing information referred to in this paragraph shall summarise the roaming charges applicable under the tariff scheme of the roaming customer concerned to the making of calls within the Member State visited and back to the home country and to the receipt of calls. The basic personalised basic pricing information shall include the charges of the host network . A customer who has given notice that he does not require the automatic SMS shall have the right at any time to require the service again. Home providers shall offer blind or partially sighted customers information by voice on request.

Or. en

Justification

It is important that Customers receive adequate information on the price of international roaming calls. More detailed information should be obtainable on request.

Amendment by Giles Chichester

Amendment 266

ARTICLE 7, PARAGRAPH 4 A (new)

4a. All providers must provide roaming customers with an icon or warning message on the screen of their mobile handset that they are about to make or receive a roaming call.

Or. en

Justification

Caveat emptor.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 267
ARTICLE 7, PARAGRAPH 5

5. Home providers shall provide **new** customers with full information on applicable roaming charges when subscriptions are taken out. **Home providers** shall also provide updates on applicable roaming charges to their customers **on a periodic basis and, in addition**, each time there is a substantial change in these charges.

5. Home providers shall, **without undue delay following every publication as referred to in Article 10(3)**, provide **each customer** with full information on applicable roaming charges. **That information shall include the per minute price currently payable by the customer for roaming voice calls and also the price per roaming SMS, MMS and unit of data, where applicable. New customers shall be given such information in writing** when subscriptions are taken out. Home providers shall also **include** updates on applicable roaming charges to their customers **when they provide information on tariffs or changes thereto generally, and when roaming charges are changed. Current roaming charges shall be featured prominently on the website of the home provider at all times.**

Or. en

Justification

See justification to Article 7, paragraph 1

Amendment by Nikolaos Vakalis

Amendment 268
ARTICLE 7, PARAGRAPH 5

5. Home providers shall provide *new* customers with full information on applicable roaming charges when subscriptions are taken out. *Home providers* shall also provide updates on applicable roaming charges to their customers *on a periodic basis and, in addition*, each time there is a substantial change in these charges.

5. Home providers shall provide *all customers* with full information on applicable roaming charges when subscriptions are taken out. *They may also provide information on applicable roaming charges by any appropriate means. They* shall also provide updates on applicable roaming charges to their roaming customers *without undue delay* each time there is a change in these charges. *In particular, home providers shall immediately provide all roaming customers with full information on the conditions pertaining to the consumer protection tariff provided for in Article 4.*

Or. en

Justification

There is great need for absolute transparency of retail tariffs. The consumers must be able to choose among the different operators in the visited country the one for the roaming services of whom his home operator offers the best retail tariffs.

Amendment by Zdzisław Kazimierz Chmielewski

Amendment 269
ARTICLE 7, PARAGRAPH 5

5. Home providers shall provide new customers with full information on applicable roaming charges when subscriptions are taken out. Home providers shall also provide updates on applicable roaming charges to their customers on a periodic basis and, in addition, each time *there is a substantial change in these* charges.

5. Home providers shall provide new customers with full information on applicable roaming charges when subscriptions are taken out. Home providers shall also provide updates on applicable roaming charges to their customers on a periodic basis and, in addition, each time *a change is made by the provider to the roaming* charges.

Or. pl

Amendment by Hannes Swoboda

Amendment 270
ARTICLE 7, PARAGRAPH 5 A (new)

5a. Where an undertaking increases domestic prices by reference to this Regulation, it shall present internal accounts.

Or. de

Justification

Full transparency of accounting is needed if an operator justifies an increase in charges for domestic calls by reference to this regulation.

Amendment by Lambert van Nistelrooij

Amendment 271
ARTICLE 7, PARAGRAPH 5 A (new)

5a. Each home provider shall ensure that all customers can obtain information on the conditions pertaining to a consumer protection tariff provided for in Article 4. They shall do so by ensuring that every customer receives at least one SMS at intervals of not more than 6 months which shall explain that the operator offers a Euro Tariff at no additional cost, specifies the charges payable for the making and receipt of voice regulated roaming calls under this Euro Tariff and provides the designated number specified under Article 7(2).

Or. en

Justification

An opt in CPT or Euro Tariff will need to be properly publicized by operators to ensure that customers are aware of their options. This amendment requires operators to do this,

providing a balance between ensuring that customers who may be planning to travel receive information in a manageable but that they are not overloaded. The roaming information line already required by Article 7(2) can also be used to provide information about the CPT on request.

Amendment by Lambert van Nistelrooij

Amendment 272

ARTICLE 7, PARAGRAPH 5 B (new)

5b. The home provider providing information pursuant to Article 7(2) by means of a designated number shall also provide information on, and action customer instructions to switch to, the Euro Tariff if requested.

Or. en

Justification

An opt in CPT or Euro Tariff will need to be properly publicized by operators to ensure that customers are aware of their options. This amendment requires operators to do this, providing a balance between ensuring that customers who may be planning to travel receive information in a manageable but that they are not overloaded. The roaming information line already required by Article 7(2) can also be used to provide information about the CPT on request.

Amendment by Giles Chichester

Amendment 273

ARTICLE 7, PARAGRAPH 5 A (new)

5a. Home providers shall take reasonable steps to secure awareness by all their roaming customers of the availability of the Euro Tariff. They shall in particular send a communication to each such customer within 2 months of the publication of this Regulation describing the Euro tariff in a clear and unbiased manner and a reminder at reasonable intervals thereafter.

Or. en

Justification

A high level of awareness of the Euro Tariff is essential. In this context, a communication with each consumer, by letter or SMS, could be very helpful, both before the introduction of the tariff and at periodic intervals thereafter.

Amendment by Dominique Vlasto

Amendment 274

ARTICLE 7, PARAGRAPH 5 a (new)

5a. National operators should take the necessary measures to inform their individual international roaming clients of the existence of a Euro tariff. In particular, they should send to each of them, two months after this Regulation is published and at regular intervals thereafter, a document setting out this Euro tariff in a way which is clear and unbiased.

Or. fr

Justification

It is essential that the Euro Tariff is well publicised. To that end, it would be very useful for information to be sent to each individual client, by mail or SMS, both before the tariff is introduced and at regular intervals thereafter. Business clients may not be interested in this information and therefore the obligation should only apply in respect of individual clients.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 275

ARTICLE 8, PARAGRAPH 1

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

5. National regulatory authorities shall monitor and supervise compliance with this Regulation within their territory. ***They shall in particular monitor compliance with the average charge requirements for calls made and received, on the basis of the total retail roaming prices charged and the total number of roaming minutes for calls made and received.***

Justification

To state the basis for the monitoring of compliance with the average prices in Article 4. The calculation of compliance shall be done separately for calls made and received, as they are subject to separate regulation

Amendment by Nikolaos Vakalis

Amendment 276

ARTICLE 8, PARAGRAPH 1 A (new)

1a. National regulatory authorities shall carry out detailed studies of the respective national roaming markets. They shall particularly collect data on the volume of outgoing and incoming roaming minutes, as well as the operators' corresponding revenues. The results of the studies should be made available at least six months before the date of the revision of the Regulation, as provided in article 12.

Justification

Significant initiatives must be taken at national level to consolidate the information relating to prices, volumes and revenue relating to roaming, in order to have a clear picture of the European roaming market. It is regretful that these studies hadn't been made available before the adoption of the present Regulation.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 277

ARTICLE 8, PARAGRAPH 5

5. National regulatory authorities shall make up to date information pertaining to the application of this Regulation publicly available in a manner that enables interested parties to have easy access to that

5. National regulatory authorities shall make up to date information pertaining to the application of this Regulation publicly available in a manner that enables interested parties to have easy access to that

information.

information. *They shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including SMS and Multimedia Messaging Service (MMS), in particular but not limited to developments in the outermost regions of the Community, and shall publicise the results of such monitoring every 12 months. Information shall be provided on corporate, post-paid and pre-paid customers separately.*

Or. en

Justification

Merger of Article 8, paragraphs 5 and 6 of the Commission proposal, and reinforcement of obligations of national regulatory authorities to monitor application of the Regulation and to make the results available to all. The obligation regarding monitoring of the Regulation is described very broadly ("...pertaining to the application..."). That could lead to disparate information being made available across the Community. A core set of data to be collected and made public in each Member State should therefore be identified and included before the Regulation is finalised

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 278 ARTICLE 8, PARAGRAPH 6

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission on request. *deleted*

Or. en

Justification

Merged with Article 8, paragraph 5.

Amendment by Paul Rübige

Amendment 279
ARTICLE 8, PARAGRAPH 6

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice *and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS)*, in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission *on request*.

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice *roaming services*, in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission *every six months following the entry into force of this Regulation. Information shall be provided on corporate, post-paid and pre-paid customers separately.*

Or. en

Amendment by Miloslav Ransdorf

Amendment 280
ARTICLE 8, PARAGRAPH 6

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice *and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS)*, in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission on request.

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice *roaming services*, in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission *every six months following the entry into force of this Regulation. Information shall be provided on corporate, post-paid and pre-paid customers separately.*

Or. en

Amendment by András Gyürk

Amendment 281
ARTICLE 8, PARAGRAPH 6

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, ***including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), in particular in the outermost regions of the Community,*** and shall communicate the results of such monitoring to the Commission ***on request.***

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, and shall communicate the results of such monitoring to the Commission ***every six months following the entry into force of this Regulation in the form of a report.***

Or. hu

Justification

Thanks to the rapid development of technology, the role of the international data services market is becoming increasingly important. Internet-based sound transmission (VoiP) is revolutionising fixed telephony, opening the way to cheaper sound transmission. The spread and presence of 3G networks and other related technologies are having a serious impact on the mobile services market. In the interest of consumers and of guaranteeing competition, more intensive monitoring of market processes should be carried out, and if they are not operating satisfactorily, the prospect of a proportionate intervention should be offered.

Amendment by Lambert van Nistelrooij

Amendment 282
ARTICLE 8, PARAGRAPH 6

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission on request.

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), in particular in the outermost regions of the Community, ***and on the particular inadvertent roaming situation of citizens living and working and business operating in cross-border regions***

between neighbouring Member States and the cross-border regions in neighbouring Member States and shall communicate the results of such monitoring to the Commission on request.

Or. en

Justification

Roaming charges are not only paid by travellers, but also by businesses, mostly SMEs, and citizens residing, living, working or operating in the EU's inner border regions. They face a constant roaming charge on every day activities and this without travelling when subject to inadvertent roaming (i.e. being subject to other, cross-border, operators when residing in their 'home' country. It is best that operators come to solutions, but if not, via national regulatory coordination and ultimately via the Commission, this situation should be remedied.

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 283
ARTICLE 8, PARAGRAPH 6

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission ***on request***.

6. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), in particular in the outermost regions of the Community, and shall communicate the results of such monitoring to the Commission.

Or. en

Amendment by Angelika Niebler und Christian Ehler

Amendment 284
ARTICLE 8, PARAGRAPH 6 A (new)

6a. The national regulatory authorities shall monitor the average retail charges of individual home providers by dividing each

mobile operator's revenue from roaming by the corresponding traffic volume on a six-month basis. Both types of call, incoming and outgoing, have to be taken into account. The national regulatory authorities shall publish the results without undue delay and in a manner that enables all customers to have easy access to that information.

Or. de

Justification

The national regulatory authorities should be required to carry out careful monitoring of developments in roaming charges.

Amendment by Erika Mann

Amendment 285

ARTICLE 8, PARAGRAPH 6 A (new)

6a. The national regulatory authorities shall monitor the average retail charges of an individual home provider by dividing each mobile operator's revenue from roaming by the corresponding traffic volume on a six months basis. Both type of calls, incoming and outgoing, have to be taken into account. The national regulatory authorities are obliged to publish the results without undue delay and in a manner that enables all customers to have easy access to that information.

Or. en

Amendment by Miloslav Ransdorf

Amendment 286

ARTICLE 8, PARAGRAPH 6 A (new)

6a. On the basis of the reports of the national regulatory authorities and having

regard to the opinion of the European Regulators Group, the Commission shall, every 12 months of the entry into force of this Regulation, provide the Parliament and the Council with an analysis of wholesale and retail international roaming prices in the Community. If retail international roaming prices have not decreased significantly after the entry into force of this Regulation the Commission shall, acting in accordance with the regulatory procedure with scrutiny referred to in Article 13(2), adapt the mobile termination rate multiplication factor referred to in Annex I.

Or. en

Amendment by Paul Rübzig

Amendment 287

ARTICLE 8, PARAGRAPH 6 A (new)

6a. On the basis of the reports of the national regulatory authorities and having regard to the opinion of the European Regulators Group, the Commission shall, within 12 months of the entry into force of this Regulation, provide the Parliament and the Council with an analysis of wholesale and retail international roaming prices in the Community. If retail international roaming prices have not decreased significantly after the entry into force of this Regulation the Commission shall, acting in accordance with the regulatory procedure with scrutiny referred to in Article 13(2a), update the mobile termination rate multiplication factor referred to in Annex I.

Or. en

Amendment by András Gyürk

Amendment 288

ARTICLE 8, PARAGRAPH 6 A (new)

6a. On the basis of the reports of the national regulatory authorities, the Commission shall, within 12 months of the entry into force of this Regulation, provide the Parliament and the Council with an analysis of wholesale and retail international roaming prices for data services in the Community. If retail international roaming prices for data services appear unjustifiably high after the entry into force of this Regulation the Commission shall also submit a proposal for the regulation of these prices on the basis of the regulation of roaming charges for voice communications.

Or. hu

Justification

Thanks to the rapid development of technology, the role of the international data services market is becoming increasingly important. Internet-based sound transmission (VoIP) is revolutionising fixed telephony, opening the way to cheaper sound transmission. The spread and presence of 3G networks and other related technologies are having a serious impact on the mobile services market. In the interest of consumers and of guaranteeing competition, more intensive monitoring of market processes should be carried out, and if they are not operating satisfactorily, the prospect of a proportionate intervention should be offered.

Amendment by Miloslav Ransdorf

Amendment 289

ARTICLE 8, PARAGRAPH 6 B (new)

6b. National regulatory authorities shall monitor developments in wholesale and retail prices for the provision to roaming customers of SMS and other data communication services and shall communicate the results of such

monitoring to the Commission every six months following the entry into force of this Regulation. Information shall be provided on corporate, post-paid and pre-paid customers separately.

Or. en

Amendment by Miloslav Ransdorf

Amendment 290

ARTICLE 8, PARAGRAPH 6 C (new)

6c. On the basis of the reports of the national regulatory authorities the Commission shall, within 12 months of the entry into force of this Regulation, provide the Parliament and the Council with an analysis of wholesale and retail charges for international roaming data communication services in the Community. If international roaming data charges have not decreased significantly after the entry into force of this Regulation, the Commission shall assess the need for a regulation to reduce charges for the provision of international roaming data communication services and shall submit a new proposal within 3 months

Or. en

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 291

ARTICLE 8, PARAGRAPH 8

8. The out-of-court dispute resolution procedures established in conformity with Article 34 of Directive 2002/22/EC shall also be available to deal with unresolved disputes involving consumers and (if applicable under national law) other *end-users* concerning issues included in this

8. The out-of-court dispute resolution procedures established in conformity with Article 34 of Directive 2002/22/EC shall also be available to deal with unresolved disputes involving *roaming customers who are* consumers and (if applicable under national law) other *roaming customers*

Regulation.

concerning issues included in this
Regulation.

Or. en

Justification

Minor technical adjustments to reflect that the Regulation deals with roaming customers

Amendment by Angelika Niebler und Christian Ehler

Amendment 292

ARTICLE 8, PARAGRAPH 8 A (new)

8a. The national regulatory authorities shall initiate and implement a publicity campaign via mass media such as TV, radio, magazines, newspaper and cinema throughout the Community to draw attention to the conditions of the Euro Tariff as set out in article 4 of this Regulation. The campaign should start immediately after the entry into force of this Regulation.

Or. de

Justification

It is important that roaming customers should be informed about the opportunities offered by the Euro Tariff.

Amendment by Erika Mann

Amendment 293

ARTICLE 8, PARAGRAPH 8 A (new)

8a. The national regulation authorities shall initiate and implement a publicity campaign via mass media like TV, radio, magazines, newspaper and cinema throughout the Community to enhance the

level of awareness pertaining to the conditions of the eu-consumer-tariff as set out in article 4 of this Regulation. The campaign should start immediately after the entry into force of this Regulation.

Or. en

Amendment by David Hammerstein Mintz

Amendment 294
ARTICLE 8, PARAGRAPH 8 A (new)

8a. The national regulation authorities shall initiate and implement a publicity campaign via mass media like TV, radio, magazines, newspaper, or cinema throughout the Community to enhance the level of awareness pertaining to the conditions of the consumer protection tariff as set out in article 4 of this Regulation. The campaign should start immediately after the entry into force of this Regulation.

Or. en

Amendment by Ján Hudacký

Amendment 295
ARTICLE 9

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission not later than *six* months following the entry into force of this Regulation and shall notify it without delay of any subsequent amendment affecting them.

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission not later than *nine* months following the entry into force of this Regulation and shall notify it without delay of any subsequent amendment affecting them.

Justification

Legal order of some Member states (e.g. Slovakia, Czech Republic) does not allow the obligations, penalties in this case, to be imposed by the secondary legislation. It can only be done via regular laws which take several months to go through the whole legislative process from a draft proposal to the adoption by a parliament. The minimum reasonable time limit allowing these measures to be adopted is nine months.

Amendment by Erika Mann

Amendment 296
ARTICLE 9

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission not later than *six* months following the entry into force of this Regulation and shall notify it without delay of any subsequent amendment affecting them.

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission not later than *nine* months following the entry into force of this Regulation and shall notify it without delay of any subsequent amendment affecting them.

Or. xm

Justification

For some Member States a six-month notification period is not sufficient.

Amendment by Gunnar Hökmark

Amendment 297
ARTICLE 10

Average mobile termination rate

deleted

1. The average mobile termination rate shall be determined in accordance with the criteria and methodology set out in Annex

II, on the basis of information communicated by the national regulatory authorities in accordance with paragraphs 2 and 4.

2. Each national regulatory authority shall communicate to the Commission on request, and within the time limit specified by the Commission in that request, the information specified in Annex II.

3. The Commission shall publish in the Official Journal of the European Union, on a regular basis, the average mobile termination rate determined in accordance with paragraphs 1, 2 and 4.

4. For the first publication of the average mobile termination rate following entry into force of this Regulation, the Commission may rely on the latest information consistent with Annex II which has been collected pursuant to Article 5(2) of Directive 2002/21/EC in fulfilment of its task of monitoring the implementation of the 2002 regulatory framework for electronic communications.

5. Undertakings subject to the requirements of this Regulation shall ensure that any changes to their charges which are required to ensure compliance with Articles 3, 4 and 6 take effect within two months from each publication pursuant to the preceding paragraphs of this Article.

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the Commission, acting in accordance with the procedure referred to in Article 13(3).

Or. en

Justification

Many small operators that contribute to increased competition, consumer choice and the development of new and innovative services within the telecom sector, may risk ending up in an unfavourable situation with the proposed regulation of the Commission. The establishment of maximum price level gives a degree of protection to smaller operators.

Amendment 298
ARTICLE 10

Average mobile termination rate

Deleted

1. The average mobile termination rate shall be determined in accordance with the criteria and methodology set out in Annex II, on the basis of information communicated by the national regulatory authorities in accordance with paragraphs 2 and 4.

2. Each national regulatory authority shall communicate to the Commission on request, and within the time limit specified by the Commission in that request, the information specified in Annex II.

3. The Commission shall publish in the Official Journal of the European Union, on a regular basis, the average mobile termination rate determined in accordance with paragraphs 1, 2 and 4.

4. For the first publication of the average mobile termination rate following entry into force of this Regulation, the Commission may rely on the latest information consistent with Annex II which has been collected pursuant to Article 5(2) of Directive 2002/21/EC in fulfilment of its task of monitoring the implementation of the 2002 regulatory framework for electronic communications.

5. Undertakings subject to the requirements of this Regulation shall ensure that any changes to their charges which are required to ensure compliance with Articles 3, 4 and 6 take effect within two months from each publication pursuant to the preceding paragraphs of this Article.

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the

Commission, acting in accordance with the procedure referred to in Article 13(3).

Or. de

Justification

The proposal in Article 3 to set fixed upper limits for wholesale charges renders the provisions of Article 10 superfluous.

Amendment by Nikolaos Vakalis

Amendment 299
ARTICLE 10

Average mobile termination rate ***deleted***

1. The average mobile termination rate shall be determined in accordance with the criteria and methodology set out in Annex II, on the basis of information communicated by the national regulatory authorities in accordance with paragraphs 2 and 4.

2. Each national regulatory authority shall communicate to the Commission on request, and within the time limit specified by the Commission in that request, the information specified in Annex II.

3. The Commission shall publish in the Official Journal of the European Union, on a regular basis, the average mobile termination rate determined in accordance with paragraphs 1, 2 and 4.

4. For the first publication of the average mobile termination rate following entry into force of this Regulation, the Commission may rely on the latest information consistent with Annex II which has been collected pursuant to Article 5(2) of Directive 2002/21/EC in fulfilment of its task of monitoring the implementation of the 2002 regulatory framework for electronic communications.

5. Undertakings subject to the requirements of this Regulation shall ensure that any changes to their charges which are required to ensure compliance with Articles 3, 4 and 6 take effect within two months from each publication pursuant to the preceding paragraphs of this Article.

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the Commission, acting in accordance with the procedure referred to in Article 13(3).

Or. en

Justification

Since the charge limits are set out with figures, there is no need to make any reference to the calculation of the average MTR. This system is less transparent for the consumers and it will add unnecessary administrative burden to the NRAs.

Amendment by Herbert Reul, Werner Langen, Daniel Caspary

Amendment 300
ARTICLE 10

Average mobile termination rate ***deleted***

1. *The average mobile termination rate shall be determined in accordance with the criteria and methodology set out in Annex II, on the basis of information communicated by the national regulatory authorities in accordance with paragraphs 2 and 4.*

2. *Each national regulatory authority shall communicate to the Commission on request, and within the time limit specified by the Commission in that request, the information specified in Annex II.*

3. *The Commission shall publish in the Official Journal of the European Union, on a regular basis, the average mobile termination rate determined in*

accordance with paragraphs 1, 2 and 4.

4. For the first publication of the average mobile termination rate following entry into force of this Regulation, the Commission may rely on the latest information consistent with Annex II which has been collected pursuant to Article 5(2) of Directive 2002/21/EC in fulfilment of its task of monitoring the implementation of the 2002 regulatory framework for electronic communications.

5. Undertakings subject to the requirements of this Regulation shall ensure that any changes to their charges which are required to ensure compliance with Articles 3, 4 and 6 take effect within two months from each publication pursuant to the preceding paragraphs of this Article.

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the Commission, acting in accordance with the procedure referred to in Article 13(3).

Or. de

Justification

If the wholesale price is set at a fixed amount (e.g. 36 euro cents per minute), the provisions of Article 10 are superfluous.

Amendment by Erika Mann

Amendment 301
ARTICLE 10

Average mobile termination rate ***deleted***

1. The average mobile termination rate shall be determined in accordance with the criteria and methodology set out in Annex II, on the basis of information communicated by the national regulatory authorities in accordance with paragraphs

2 and 4.

2. Each national regulatory authority shall communicate to the Commission on request, and within the time limit specified by the Commission in that request, the information specified in Annex II.

3. The Commission shall publish in the Official Journal of the European Union, on a regular basis, the average mobile termination rate determined in accordance with paragraphs 1, 2 and 4.

4. For the first publication of the average mobile termination rate following entry into force of this Regulation, the Commission may rely on the latest information consistent with Annex II which has been collected pursuant to Article 5(2) of Directive 2002/21/EC in fulfilment of its task of monitoring the implementation of the 2002 regulatory framework for electronic communications.

5. Undertakings subject to the requirements of this Regulation shall ensure that any changes to their charges which are required to ensure compliance with Articles 3, 4 and 6 take effect within two months from each publication pursuant to the preceding paragraphs of this Article.

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the Commission, acting in accordance with the procedure referred to in Article 13(3).

Or. en

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 302
ARTICLE 10, PARAGRAPH 1

1. *The* average mobile termination rate shall

1. *According to article 3, paragraph 2 the*

be determined in accordance with the criteria and methodology set out in Annex II, on the basis of information communicated by the national regulatory authorities in accordance with paragraphs 2 and 4.

average mobile termination rate shall be determined in accordance with the criteria and methodology set out in Annex II, on the basis of information communicated by the national regulatory authorities in accordance with paragraphs 2 and 4

Or. en

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 303
ARTICLE 10, PARAGRAPH 5

5. Undertakings subject to the requirements of this Regulation shall ensure that any changes to their charges which are required to ensure compliance with **Articles 3, 4 and 6** take effect within two months from each publication pursuant to the preceding paragraphs of this Article.

5. Undertakings subject to the requirements of this Regulation shall ensure that any changes to their charges which are required to ensure compliance with **Article 3** take effect within two months from each publication pursuant to the preceding paragraphs of this Article.

Or. en

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 304
ARTICLE 10, PARAGRAPH 6

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the Commission, acting in accordance with the procedure referred to in Article 13(3).

deleted

Or. en

Amendment by Paul Rübzig

Amendment 305
ARTICLE 10, PARAGRAPH 6

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the Commission, acting in accordance with the procedure referred to in Article **13(3)**.

6. Amendments necessary to adapt Annex II to technical or market developments shall be adopted by the Commission, acting in accordance with the procedure referred to in Article **13(2a)**.

Or. en

Amendment by Gunnar Hökmark

Amendment 306
ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay. ***This regulation shall expire in two years..***

Or. en

Amendment by Giles Chichester

Amendment 307
ARTICLE 12 A (new)

Article 12a

Duration of the Regulation.

This Regulation shall expire in three years.

Or. en

Justification

This is a short-term measure which should have a specific completion date.

Amendment by Angelika Niebler und Christian Ehler

Amendment 308
ARTICLE 12 A (new)

Article 12a

This Regulation shall expire in three years.

Or. de

Justification

It needs to be remembered that a price regulation instrument represents a significant intervention in the development of the market, and so there should be a time limit on the validity of this regulation. It is also likely that prices will have settled at a considerably lower level within three years.

Amendment by Francisca Pleguezuelos Aguilar

Amendment 309
ARTICLE 12 A (new)

Article 12a

This Regulation shall expire three years after its entry into force.

Or. es

Justification

The market malfunction which has occurred will in all probability soon be ironed out. If that does not happen, the EU will always be able to intervene on the market again.

Amendment by Erika Mann

Amendment 310
ARTICLE 12, PARAGRAPH 1 A (new)

1a. This Regulation shall expire in three years.

Or. xm

Justification

In view of the already high level of public awareness of roaming charges, the initial efforts of individual operators to offer cheaper roaming tariffs, and the measures proposed here, there is a good chance that this regulation will quickly be successful. It is unlikely that operators will subsequently withdraw the advantages they have offered consumers.

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 311
ARTICLE 12 A (new)

Article 12a

Sunset Clause

No later than three years after its entry into force, this Regulation shall be confirmed in accordance with the procedure laid down in Article 251 of the Treaty or else expire.

Or. en

Amendment by Šarūnas Birutis

Amendment 312
ARTICLE 12, PARAGRAPH 1 A (new)

1a. This Regulation shall expire in three years provided the Commission's evaluation is positive.

Or. en

Justification

If the market is fully competitive in three years, Regulation will no longer be necessary.

Amendment by Werner Langen

Amendment 313
ARTICLE 12, PARAGRAPH 1 A (new)

1a. It shall apply only for a period of five years, after which it shall expire.

Or. de

Justification

It is sensible to restrict the period of validity, so that after five years free competition and a single European internal market can be guaranteed.

Amendment by David Hammerstein Mintz

Amendment 314
ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than ***two years*** after the date of its entry into force. In its report the Commission shall include its reasoning ***regarding the continued need for regulation or the possibility of its repeal***, in the light of developments in the market and with regard

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than ***twelve months*** after the date of its entry into force. In its report the Commission shall include its reasoning ***whether*** in the light of developments in the market and with regard to ***both*** competition ***and consumer protection there is further***

to competition. For this purpose, the Commission may *request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.*

need to extend the duration of this Regulation beyond the period set out in Article 12a thereby taking into account the developments in the pricing of mobile communications services at national level. As part of this report the Commission shall include developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), including recommendations, if appropriate, on the need for regulation of these services. For this purpose, the Commission may use the information provided by application of Article 8(2). The Commission will evaluate in particular, whether the objectives of this Regulation have been achieved and, where necessary, will make appropriate proposals.

Or. en

Amendment by Angelika Niebler und Christian Ehler

Amendment 315
ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than *two years* after the date of its entry into force. In its report the Commission shall include its reasoning *regarding the continued need for regulation or the possibility of its repeal*, in the light of developments in the market and with regard to competition. For this purpose, the Commission may *request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.*

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than *eighteen months* after the date of its entry into force. In its report the Commission shall include its reasoning *whether* in the light of developments in the market and with regard to *both* competition *and consumer protection there is further need to extend the duration of this Regulation beyond the period set out in Article 12a thereby taking into account the developments in the pricing of mobile communications services at national level. As part of this report the Commission shall include developments in wholesale and*

retail prices for the provision of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), including recommendations, if appropriate, on the need for regulation of these services. For this purpose, the Commission may use the information provided by application of Article 8(2). The Commission will evaluate in particular whether the objectives of this Regulation have been achieved and, where necessary, will make appropriate proposals.

Or. de

Justification

The conditions under which the review procedure is to take place should be more precisely worded. It is also important to include the development of SMS and MMS prices in the review.

Amendment by Erika Mann

Amendment 316 ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than **two years** after the date of its entry into force. In its report the Commission shall include its reasoning **regarding the continued need for regulation or the possibility of its repeal**, in the light of developments in the market and with regard to competition. For this purpose, the Commission may **request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay**

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than **eighteen months** after the date of its entry into force. In its report the Commission shall include its reasoning **whether** in the light of developments in the market and with regard to **both competition and consumer protection there is further need to extend the duration of this Regulation beyond the period set out in Article 12a thereby taking into account the developments in the pricing of mobile communications services at national level. As part of this report the Commission shall include developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the**

Multimedia Messaging Service (MMS), including recommendations, if appropriate, on the need for regulation of these services. For this purpose, the Commission may use the information provided by application of Article 8(2). The Commission will evaluate in particular, whether the objectives of this Regulation have been achieved and, where necessary, will make appropriate proposals.

Or. en

Justification

Amendment by Alexander Alvaro, Jorgo Chatzimarkakis

Amendment 317

ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its ***repeal***, in the light of developments in the market and with regard to competition. For this purpose, the Commission may ***request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.***

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its ***expiration***, in the light of developments in the market and with regard to ***both competition and consumer protection there is further need to extend the duration of this Regulation beyond the period set out in Article 12a thereby taking into account the developments in the pricing of mobile communications services at national level. As part of this report the Commission shall include developments in wholesale and retail prices for the provision to roaming customers of voice and data communications services, including the Short Message Service (SMS) and the Multimedia Messaging Service (MMS), including recommendations, if appropriate, on the need for regulation of these services.*** For this purpose, the Commission may ***use the information provided by application of***

Article 8(2). The Commission will evaluate in particular, whether the objectives of this Regulation have been achieved and, where necessary, will make appropriate proposals

Or. en

Justification

Amendment by Francisca Pleguezuelos Aguilar

Amendment 318

ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than **two years** after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation **or the possibility of its repeal**, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than **18 months** after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for **any** regulation, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

Or. es

Justification

The market malfunction which has occurred will in all probability soon be ironed out. If that does not happen, the EU will always be able to intervene on the market again.

Amendment by Šarūnas Birutis

Amendment 319

ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than *two years* after the date of its entry into force. ***In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition.*** For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than ***18 months*** after the date of its entry into force. ***That report shall include a detailed analysis of the continued need for regulation and shall be accompanied, if necessary, by the appropriate legislative proposals.*** For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

Or. en

Justification

To provide some additional detail to the review report and align the language to standard formulations.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 320 ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. ***In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition.*** For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. ***That report shall include a detailed analysis of the continued need for regulation and shall be accompanied, if necessary, by the appropriate legislative proposals.*** For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

Or. en

Justification

To provide some additional detail to the review report and align the language to standard formulations

Amendment by Renato Brunetta and Pia Elda Locatelli

Amendment 321 ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall ***include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition.*** For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall, ***in the light of developments in the market and with regard to competition, and of the results achieved by this Regulation, include its reasoning regarding the need for a new Commission proposal to establish a genuinely efficient competition-driven internal telecommunications market serving to eliminate cross-border costs within the next five years.*** For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

Or. it

Amendment by András Gyürk

Amendment 322 ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued

need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

need for regulation or the possibility of its repeal, in the light of ***the economic environment, developments in the market, and the competition and financial bargaining mechanisms which have developed.*** For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

Or. hu

Justification

A market operating efficiently and without distortions is of fundamental importance both for the welfare of EU citizens and for the competitiveness of the EU. A competitive market reduces citizens' expenditure, and encourages investment and innovation. Where the processes of competition are distorted, and the market is not able to correct them, there is need for intervention. Such intervention is only justified to the extent that, and until, the market is once again able to regulate itself. Once this has happened, there is no longer any justification for maintaining regulation.

Amendment by Umberto Guidoni

Amendment 323

ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay. ***Any proposal for repeal would have to provide clear evidence that market developments giving rise to the repeal would be sustainable and irreversible after the repeal.***

Justification

Amendment by Nikolaos Vakalis

Amendment 324
ARTICLE 12

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition. For this purpose, the Commission may request information from the Member States and the national regulatory authorities, which shall be supplied without undue delay.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than two years after the date of its entry into force. In its report the Commission shall include its reasoning regarding the continued need for regulation or the possibility of its repeal, in the light of developments in the market and with regard to competition. For this purpose, the Commission ***shall take into account the studies on the national roaming markets made available by the national regulatory authorities at least six months before the revision of the Regulation. Moreover, particular attention must be given to the effects of regional imbalances and imbalances by operator.***

Justification

In order to have a clear picture of the European roaming market, collection of statistical data on prices, volumes and revenue relating to roaming must be made at national level.

In the review process, particular attention should be paid to the fact that some operators undoubtedly face higher wholesale costs than average due to special circumstances outside their influence (e.g. low population density, mountainous and island topography, large inflows of tourists within a short period of time etc)

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 325
ARTICLE 12, PARAGRAPH 1 A (new)

1a. The Commission shall continually follow price developments in the market for data communications, including SMS and MMS. It shall present a report on developments in that market within ...¹. That report shall include a proposal for intervention, if considered necessary, and shall give exhaustive reasons for any action proposed. Any such proposal may also be presented separately, whenever warranted by market developments or a lack thereof.

¹ 12 months of the date of entry into force of this Regulation.

Or. en

Justification

To enable prompt regulation if necessary on data communications which the present lack of data does not allow

Amendment by Šarūnas Birutis

Amendment 326
ARTICLE 12, PARAGRAPH 1 A (new)

1a. The Commission shall continually follow price developments in the market for data communications, including SMS and MMS. It shall present a report on developments in that market within 12 months of the date of entry into force of this Regulation. That report shall include a proposal for intervention, if considered necessary, and shall give exhaustive reasons for any action proposed. Any such proposal may also be presented separately, whenever warranted by market

developments or a lack thereof.

Or. en

Justification

To enable prompt regulation if necessary on data communications which the present lack of data does not allow.

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 327

ARTICLE 12, PARAGRAPH 1 B (new)

1b. The Commission shall analyse the effects of this Regulation on the competitive situation of smaller, independent or newly started operators. It shall present a report within ...¹. That report shall include a proposal for intervention, if considered necessary. Any such proposal may also be presented separately, whenever warranted by market developments or a lack thereof.

¹ 12 months of the date of entry into force of this Regulation.

Or. en

Justification

To enable prompt regulation if necessary on to counteract any negative effects on competition.

Amendment by Šarūnas Birutis

Amendment 328

ARTICLE 12, PARAGRAPH 1 B (new)

1B. The Commission shall analyse the effects of this Regulation on the competitive situation of smaller, independent or newly started operators. In particular, the

Commission should analyse whether small, independent or newly started operators are subject to discriminatory pricing. The Commission should also report on whether access on non-discriminatory terms for smaller, independent or newly started operators should be regulated. That report shall include a proposal for intervention if considered necessary. The Commission shall present a report by...(12 months of the date of entry into force of this Regulation). Any such proposal may also be presented separately, whenever warranted by market developments or lack thereof".

Or. en

Justification

It would provide greater clarity of the Commission's analysis, exploring the impact of this regulation on for smaller, independent or newly started operators..

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 329
ARTICLE 12, PARAGRAPH 1 C (new)

1c. The Commission shall publish an annual report on developments within the Community in the area covered by this Regulation.

Or. en

Justification

To provide for a broader annual review.

Amendment by Angelika Niebler und Christian Ehler

Amendment 330
ARTICLE 13

Committee

deleted

1. The Commission shall be assisted by the Communications Committee, set up by Article 22 of Directive 2002/21/EC.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be three months.

3. The Committee shall adopt its rules of procedure.

Or. de

Justification

In view of the proposed time limits on the Directive's period of validity, the provisions of Article 13 are superfluous.

Amendment by Erika Mann

Amendment 331
ARTICLE 13

Committee

deleted

1. The Commission shall be assisted by the Communications Committee, set up by Article 22 of Directive 2002/21/EC.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be three months.

3. The Committee shall adopt its rules of procedure.

Or. en

Amendment by Paul Rübzig

Amendment 332
ARTICLE 13, PARAGRAPH 2 A (new)

2a. Where reference is made to this paragraph, Articles 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Or. en

Amendment by Angelika Niebler und Christian Ehler

Amendment 333
ARTICLE 15

Implementation

Deleted

The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 13(2).

Or. de

Justification

In view of the proposed deletion of Article 13, this provision is superfluous.

Amendment by Erika Mann

Amendment 334
ARTICLE 15

Implementation

deleted

The measures necessary for the implementation of this Regulation shall be

adopted in accordance with the procedure referred to in Article 13(2).

Or. en

Amendment by Angelika Niebler und Christian Ehler

Amendment 335
ANNEX I

Deleted

Or. de

Justification

The proposed amendment to Article 3 renders the retention of Annex I superfluous.

Amendment by Francisca Pleguezuelos Aguilar

Amendment 336
ANNEX I

Annex deleted

Or. es

Amendment by Hannes Swoboda

Amendment 337
ANNEX I

Deleted

Or. de

Justification

The deletion of Annex I follows on from the amendments to Article 3 (see Amendment 146).

Amendment by Erika Mann

Amendment 338
ANNEX I

This annex deleted

Or. en

Justification

The deletion of Annex I follows on from the amendments to Article 3 (see Amendment 139).

Amendment by Umberto Guidoni, Pia Elda Locatelli, and Patrizia Toia

Amendment 339
ANNEX I, PARAGRAPH 1, POINTS (A) and (B)

a) by a factor of ***two***, in the case of a regulated roaming call to a number assigned to a public telephone network in the Member State in which the visited network is located;

b) by a factor of ***three***, in the case of a regulated roaming call to a number assigned to a public telephone network in a Member State other than that in which the visited network is located.

a) by a factor of ***one point five***, in the case of a regulated roaming call to a number assigned to a public telephone network in the Member State in which the visited network is located;

b) by a factor of ***two***, in the case of a regulated roaming call to a number assigned to a public telephone network in a Member State other than that in which the visited network is located.

Or. it

Justification

Recent studies show that two calculation factors are needed because there is a difference in the cost of calls depending on whether they are made to a number in our outside the Member State in which the visited network is located. The studies also demonstrate that the maximum wholesale charge, calculated using the factors laid down in the Commission proposal, does not guarantee fair roaming prices for consumers. That is why lower factors should be introduced to protect consumers while still leaving a profit margin for companies.

Amendment by Zdzisław Kazimierz Chmielewski

Amendment 340
ANNEX I

The total wholesale charges that the operator of a visited network may levy from the operator of the roaming customer's home network for the making of a regulated roaming call originating on that visited network shall not exceed, on a per-minute basis, an amount equal to the average mobile termination rate published pursuant to Article 10(3) multiplied:

a) by a factor of two, in the case of a regulated roaming call to a number assigned to a public telephone network in the Member State in which the visited network is located; or

b) **by a factor of three**, in the case of a regulated roaming call to a number assigned to a public telephone network in a Member State other than that in which the visited network is located.

The charge *limits* in this Annex shall include any fixed elements, such as call set-up charges.

The total wholesale charges that the operator of a visited network may levy from the operator of the roaming customer's home network for the making of a regulated roaming call originating on that visited network shall not exceed, on a per-minute basis, an amount equal to the average mobile termination rate published pursuant to Article 10(3), multiplied by a factor of two in the case of a regulated roaming call to a number assigned to a public telephone network in the Member State in which the visited network is located, or in the case of a regulated roaming call to a number assigned to a public telephone network in a Member State other than that in which the visited network is located.

The charge *limit* in this Annex shall include any fixed elements, such as call set-up charges.

Or. pl

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 341
ANNEX I

The total wholesale charges that the operator of a visited network may levy from the operator of the roaming customer's home network for the making of a **regulated roaming** call originating on that visited network shall not exceed, on a per-minute basis, an amount equal to the **average** mobile termination rate published pursuant to Article 10(3) multiplied:

a) by a factor of two, in the case of a regulated roaming call to a number assigned to a public telephone network in the Member State in which the visited network is located; or

b) by a factor of three, in the case of a regulated roaming call to a number assigned to a public telephone network in a Member State other than that in which the visited network is located.

The charge **limits** in this Annex shall include **any fixed** elements, **such as** call set-up charges.

The total wholesale charges that the operator of a visited network may levy from the operator of the roaming customer's home network for the making of a **voice** call originating on that visited network shall not exceed, on a per-minute basis, an amount equal to the mobile termination rate published pursuant to Article 10(3) multiplied **by a factor of 2**.

The charge in this Annex shall include elements call set-up charges.

Or. en

Justification

A single price cap at wholesale level. The cap is not subject to averaging and applies regardless of where the call terminates. The formula, based on the Copenhagen Economics report attached to this draft opinion and included as a basis for discussion, would currently result in a maximum price of 25 eurocents

Amendment by Paul Rübzig

Amendment 342
ANNEX I

Wholesale charges for the making of regulated roaming calls referred to in **Article**

Wholesale charges for the making of regulated roaming calls referred to in

3

The total wholesale *charges* that *the* operator of a visited network may levy from *the* operator of the roaming customer's home network for the making of a regulated roaming call originating on that visited network shall not exceed, on a per-minute basis, an amount equal to the average mobile termination rate published pursuant to Article 10(3) multiplied:

a) by a factor of two, in the case of a regulated roaming call to a number assigned to a public telephone network in the Member State in which the visited network is located; or

b) by a factor of three, in the case of a regulated roaming call to a number assigned to a public telephone network in a Member State other than that in which the visited network is located.

The charge limits in this Annex shall include any fixed elements, such as call set-up charges.

Articles 3 and 4

The total wholesale *charge* that *one* operator of a visited network may levy *on any* operator of a roaming customer's home network for the making of a regulated roaming call originating on that visited network shall not exceed, on a per-minute basis, an amount equal to the average mobile termination rate published pursuant to Article 10(3) multiplied by a factor of two *for all calls* to a public telephone network, *whether* in the Member State in which the visited network is located or in a Member State other than that in which the visited network is located.

Or. en

Amendment by Hannes Swoboda

Amendment 343

ANNEX I, PARAGRAPH 1 A (new)

1a. In addition to the maximum rate referred to in points a) and b), the mobile provider may offer additional tariffs from which the customer may make a selection.

Or. de

Justification

Mobile operators must be permitted to offer additional tariffs in addition to the planned standard tariff.

Amendment by Dominique Vlasto and Margie Sudre

Amendment 344
ANNEX I, PARAGRAPH 1 a (new)

1a. The additional costs associated with the remoteness of the outermost regions and the transit of calls between continental Europe and those regions must be added to these price limits for calls made from and to mobile operators holding licences covering solely the outermost regions of the Community.

Or. fr

Justification

In the outermost regions the routing of calls entails costs far higher than those borne by other European operators on account of the geographical discontinuity. The envisaged price limits would force other European operators to accept the customers of operators operating in the outermost regions without being able to cover their costs and could therefore persuade them to close their destinations to the customers of operators from the outermost regions.

Amendment by Hannes Swoboda

Amendment 345
ANNEX II

Deleted

Or. de

Justification

The deletion of Annex II follows on from the amendments to Article 4.

Amendment by Zdzisław Kazimierz Chmielewski

Amendment 346
ANNEX II; POINT (1), POINT (B)

(b) “Per-SMP Operator MTR” shall mean the average per-minute charge (including set up charges), based on a three-minute-call *at peak rate*, excluding VAT and in the national currency of the Member State concerned, for the termination of voice calls in its mobile network applied by each SMP Operator, as determined in accordance with a *methodology* approved by the national regulatory authority;

(b) “Per-SMP Operator MTR” shall mean the average per-minute charge (including set up charges), based on *the average rate for* a three-minute-call, excluding VAT and in the national currency of the Member State concerned, for the termination of voice calls in its mobile network applied by each SMP Operator, as determined in accordance with a *method* approved by the national regulatory authority;

Or. pl

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 347
ANNEX II; POINT (2)

(2) The average mobile termination rate published pursuant to Article 10(3) shall be the *average* of the National Weighted Average MTRs, itself weighted on the basis of the total number of active subscribers in each Member State. It shall be calculated using the information specified in paragraph (3) below which has been communicated to the Commission by the national regulatory authorities in accordance with a request pursuant to Article 10(2) or (4).

(2) The average mobile termination rate published pursuant to Article 10(3) shall be the *75th percentile* of the National Weighted Average MTRs. It shall be calculated using the information specified in paragraph (3) below which has been communicated to the Commission by the national regulatory authorities in accordance with a request pursuant to Article 10(2) or (4). *Each Member State shall have the same weight in calculating the 75th percentile of the National Weighted Average MTRs. If the 75th percentile of the National Weighted Average MTRs falls between two Member States, a simple average of the MTRs in those two Member States shall be used.*

Or. en

Justification

Follows from the Copenhagen Economics report

Amendment by Reino Paasilinna on behalf of PSE Group

Amendment 348

ANNEX II; POINT (3), POINT (B)

(b) the sum of all the Active Subscribers per SMP Operator within their Member State,

(b) the sum of all the ***Total Voice Termination Minutes*** per SMP Operator within their Member State,

Or. en

Justification

Follows from the Copenhagen Economics report.