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Committee on the Internal Market and Consumer Protection

2013/0309(COD)

22.01.2014

FINAL COMPROMISE AMENDMENTS 1 - 19

Draft opinion
Malcolm Harbour
(PE522.939v01)

on the proposal for a regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (COM(2013)0627 – C7-0267/2013 – 2013/0309(COD))(*) Associated committee – Rule 50 of the Rules of Procedure

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United in diversity

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Amendment 1

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 285 (Creutzmann), 286 (Harbour), 287 (Bastos)

Proposal for a regulation

Article 36 – paragraph 1 – point 1 b (new)

Directive 2002/22/EC

Article 20 – paragraph –1 a (new)

Text proposed by the Commission

Amendment

(1b) In Article 20, the following paragraph is inserted:

“-1a. Member States shall ensure that the information referred to in paragraphs 1 and 1a is provided prior to contract conclusion in a clear, comprehensive and easily accessible manner and without prejudice to the requirements set out in the Consumer Rights Directive^{1*} regarding off-premises/ distance contracts. The consumer and other end-user so requesting shall have access to a copy of the contract on a durable medium.

Member States may maintain or introduce in their national law language requirements regarding the contractual information, so as to ensure that such information is easily understood by the consumer or other end-user so requesting.

^{1*} Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).”

Or. en

Amendment 2

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 288 (Harbour), 289 (Vergnaud)

CA has also taken into consideration the following AMs tabled to other articles of the proposed regulation: 251 (Engström), 252 (Engström), 253 (Engström), 255 (Engström), 256 (Engström), 257 (Weidenholzer), 258 (Engström), 264 (Weidenholzer)

Proposal for a regulation

Article 36 – paragraph 1 – point 1 c (new) and related recitals

Directive 2002/22/EC

Article 20 – paragraph 1

Present text

"1. Member States shall ensure that, when subscribing to services providing connection to a public communications network and/or publicly available electronic communications services, consumers, and other end-users so requesting, have a right to a contract with an undertaking or undertakings providing such connection and/or services. The contract shall specify ***in a clear, comprehensive and easily accessible form at least:***

(a) the identity and address of the undertaking;

(b) the services provided, including in particular,

— ***whether or not*** access to emergency services and caller location ***information is being provided, and*** any limitations on the provision of emergency services under Article 26,

— ***information on any other conditions limiting access to and/or use of services***

Amendment

(1c) Article 20(1) is replaced by the following:

"1. Member States shall ensure that, when subscribing to services providing connection to a public communications network and/or publicly available electronic communications services, consumers, and other end-users so requesting, have a right to a contract with an undertaking or undertakings providing such connection and/or services. The contract shall specify ***at least the following information:***

(a) the identity, address ***and contact information*** of the undertaking ***and, if different, the address and contact information for any complaints;***

(b) the ***main characteristics of the*** services provided, including in particular,

— ***the specific tariff plan or tariff plans to which the contract applies and, for each such tariff plan, the types of services offered, including the volumes of communications;***

— access to ***information on*** emergency services and caller location ***for all relevant services offered, and*** any limitations on the provision of emergency services under Article 26,

and applications, where such conditions are permitted under national law in accordance with Community law,

— the minimum service quality levels offered, namely the time for the initial connection and, where appropriate, other quality of service parameters, as defined by the national regulatory authorities,

— **information on any procedures put in place by the undertaking to measure and shape traffic so as to avoid filling or overfilling a network link, and information on how those procedures could impact on service quality,**

— the types of **maintenance service offered** and customer support services provided, **as well as** the means of contacting **these** services,

— any restrictions imposed by the provider on the use of terminal equipment supplied;

(c) where an obligation exists under Article 25, the subscriber's options as to whether or not to include his or her personal data in a directory, **and the data concerned;**

(d) details of prices and tariffs, the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained, **payment methods offered and any differences in costs due to payment method;**

— the minimum service quality levels offered, namely the time for the initial connection and, where appropriate, other quality of service parameters, as defined by the national regulatory authorities,

— the types of **after-sales services, maintenance services** and customer support services provided, **including, where feasible, technical information for the proper functioning of the end-user's chosen terminal equipment, the conditions and charges for those services, and** the means of contacting **those** services,

— any restrictions imposed by the provider on the use of terminal equipment supplied, **including information on unlocking the terminal equipment and any charges involved if the contract is terminated before the end of the minimum contract period;**

(c) where an obligation exists under Article 25, the subscriber's options as to whether or not to include his or her personal data in a directory, **and their ability to verify, correct or withdraw their entry;**

(d) details of prices and tariffs **including taxes and additional charges that may possibly be levied, and** the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;

(da) payment methods offered and any differences in costs due to the payment method chosen, and available facilities to safeguard bill transparency and monitor the level of consumption;

(e) the duration of the contract and the conditions for renewal and termination of services and of the contract, including:

— any minimum usage or duration required to benefit from promotional terms,

— any charges related to portability of numbers and other identifiers,

— any charges due on termination of the contract, including any cost recovery with respect to terminal equipment,

(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met;

(g) the means of initiating procedures for the settlement of disputes in accordance with Article 34;

(h) the type of action that might be taken by the undertaking in reaction to security or integrity incidents or threats and vulnerabilities.

Member States may also require that the contract include any information which may be provided by the relevant public authorities for this purpose on the use of electronic communications networks and services to engage in unlawful activities or to disseminate harmful content, and on the means of protection against risks to personal security, privacy and personal data, referred to in Article 21(4) and relevant to the service provided."

(e) the duration of the contract and the conditions for renewal and termination of services and of the contract, including:

— any minimum usage or duration required to benefit from promotional terms,

— any charges related to ***switching and portability of numbers and other identifiers, including compensation and refund arrangements for delay or abuse of switching;***

— any charges due on ***early*** termination of the contract, including any cost recovery with respect to terminal equipment, ***on the basis of customary depreciation methods, and other promotional advantages, on a pro rata temporis basis,***

(f) any compensation and the refund arrangements, ***including, where applicable, an explicit reference to statutory rights of the consumer*** which apply if contracted service quality levels are not met;

(g) the means of initiating procedures for the settlement of disputes, ***including cross-border disputes,*** in accordance with Article 34;

(ga) details on how disabled end-users can obtain information on products and services designed for them;

(h) the type of action that might be taken by the undertaking in reaction to security or integrity incidents or threats and vulnerabilities.

Member States may also require that the contract include any information which may be provided by the relevant public authorities for this purpose on the use of electronic communications networks and services to engage in unlawful activities or to disseminate harmful content, and on the means of protection against risks to personal security, privacy and personal data, referred to in Article 21(4) and relevant to the service provided."

**Proposal for a regulation
Recital 8a (new)**

Text proposed by the Commission

Amendment

(8a) The processing of personal data provided for in this Regulation should be subject to applicable Union law, in particular Directive 95/46/EC of the European Parliament and of the Council^{22a} and Directive 2002/58/EC of the European Parliament and of the Council^{22b}, and to national law.

^{22a} ***Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).***

^{22b} ***Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).***

**Proposal for a regulation
Recital 54**

Text proposed by the Commission

Amendment

(54) Providers of electronic communications to the public should inform end-users adequately inter alia on

(54) Providers of electronic communications to the public should inform end-users adequately inter alia on

their services and tariffs, quality of service parameters, access to emergency services and any limitation, and the choice of services and products designed for disabled consumers. This information should be provided in a clear and transparent manner and be specific to the Member States where the services are provided, and in the event of any change, be updated. Providers should be exempted from such information requirements as regards *those* offers which are individually negotiated.

their services and tariffs, quality of service parameters, access to emergency services and any limitation, and the choice of services and products designed for disabled consumers. ***In the case of tariff plans with a predefined volume of communications, this should also include information on the ability of consumers and other end-users so requesting to roll-over any unused volume of the previous billing period into the current billing period.*** This information should be provided in a clear and transparent manner and be specific to the Member States where the services are provided, and in the event of any change, be updated. Providers should be exempted from such information requirements as regards offers which are individually negotiated.

Or. en

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) With respect to terminal equipment, contracts should specify any restrictions imposed by the provider on the use of the equipment, for example by way of ‘SIM-locking’ mobile devices, and any charges due on termination of the contract prior to the agreed expiry date. No charges should be due after expiry of the agreed contract duration.

Amendment

(57) With respect to terminal equipment, contracts should specify any restrictions imposed by the provider on the use of the equipment, for example by way of ‘SIM-locking’ mobile devices, and any charges due on termination of the contract prior to the agreed expiry date. No charges should be due after expiry of the agreed contract duration. ***Contracts should also specify the types of after-sales services, maintenance services and customer support services provided. Whenever possible, this information should include technical information, provided on demand, concerning the proper functioning of the end-user's chosen terminal equipment. Provided that no technical incompatibility has been identified, this information should be provided free of charge.***

Or. en

Amendment 3

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 290 (rapporteur), 291 (Creutzmann, Lokkegaard), 292 (Vergnaud), 77 (Creutzmann), 78 (Engström)

CA has also taken into consideration the following AMs tabled to other articles of the proposed regulation: 251 (Engström), 252 (Engström), 253 (Engström), 254 (Engström), 255 (Engström), 256 (Engström), 257 (Weidenholzer), 258 (Engström), 259 (Engström), 261 (Verheyen, Collin-Lang), 264 (Weidenholzer)

Proposal for a regulation

Article 36 – paragraph 1 – point 1 d (new) and related recitals

Directive 2002/22/EC

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1d) In Article 20, the following paragraph is inserted:

“1a. In addition to the information referred to in paragraph 1, if the contract includes the provision of internet access services, that contract shall also include the following information:

(a) details of unit data pricing plans, pricing plans for bulk data and any applicable thresholds related to the specific tariff plan or tariff plans to which the contract applies. For data volumes above thresholds, unit or bulk pricing on an ad hoc or lasting basis and any data speed limitations that may be applied to the specific tariff plan or tariff plans to which the contract applies;

(b) how end-users can monitor the current level of their consumption, whether and how any voluntary limits can be set;

(c) for fixed data links, the normally available and minimum expected download and upload speed at the main location of the end-user;

(d) for mobile data links, the estimated and minimum expected download and upload speed when connected through the provider's wireless network in the end-

user's Member State of residence;

(e) other quality of service parameters, as set out in accordance with Article 24 (2) of Regulation (XXX);*

(f) information on any procedures put in place by the provider to measure and shape traffic including an indication of the underlying communication inspection methods used for reasonable traffic management measures and information on how those procedures could impact on service quality, end-users' privacy and the protection of personal data; and

(g) a clear and comprehensible explanation as to how any volume limitation, the speed and other quality of service parameters may in practice have an impact on internet access services, in particular the use of content, applications and services.

** Regulation (EU) No XXX/20XX of the European Parliament and of the Commission of laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211:2009 and (EU) No 531/2012 (OJ L XXX, XX.XX.20XX, p. X).”*

Or. en

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) Volume-based tariffs should be considered compatible with the principle of an open internet as long as they allow end-users to choose the tariff corresponding to their normal data consumption based on

Amendment

(48) Volume-based tariffs should be considered compatible with the principle of an open internet as long as they allow end-users to choose the tariff corresponding to their normal data consumption based on transparent information about the

transparent information about the conditions and implications of such choice. At the same time, such tariffs should enable providers of electronic communications to the public to better adapt network capacities to expected data volumes. It is essential that end-users are fully informed before agreeing to any data volume or speed limitations and the tariffs applicable, that they can continuously monitor their consumption and easily acquire extensions of the available data volumes if desired.

conditions and implications of such choice. At the same time, such tariffs should enable providers of electronic communications to the public to better adapt network capacities to expected data volumes. It is essential that end-users are fully informed before agreeing to any data volume or speed limitations and the tariffs applicable, *and* that they can continuously monitor their consumption and easily acquire extensions of the available data volumes if desired. ***The contractual data volumes and speeds offered should not be affected by any additional specialised service agreements concluded by the end-user, having regard to the provisions of Article 23 of Regulation XXX* on Open Internet Access, which provide that any offers of specialised services must be in addition to internet access services, where applicable and not to the material detriment of their availability and quality.***

**** Regulation (EU) No XXX/20XX of the European Parliament and of the Commission of laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211:2009 and (EU) No 531/2012 (OJ L XXX, XX.XX.20XX, p. X)."***

Or. en

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) Contracts are an important means of giving end-users a high level of transparency of information and legal certainty. Providers of electronic

Amendment

(56) Contracts are an important means of giving end-users a high level of transparency of information and legal certainty. Providers of electronic communications to the public should give

communications to the public should give end-users clear and comprehensible information on all essential elements of the contract before the end-user is bound by the contract. The information should be mandatory and not be altered except by subsequent agreement of the end-user and the provider. The Commission and several national regulatory authorities recently found considerable discrepancies between the advertised speed of internet access services and the speed actually available to end-users. Providers of electronic communications to the public should therefore inform end-users, prior to the conclusion of the contract, of the speed and other quality of service parameters which they can realistically deliver at the end-user's main location.

end-users clear and comprehensible information on all essential elements of the contract before the end-user is bound by the contract. The information should be mandatory and not be altered except by subsequent agreement of the end-user and the provider. The Commission and several national regulatory authorities recently found considerable discrepancies between the advertised speed of internet access services and the speed actually available to end-users. Providers of electronic communications to the public should therefore inform end-users, prior to the conclusion of the contract, of the speed and other quality of service parameters which they can realistically deliver at the end-user's main location. *For fixed and mobile data links, normally available speed is the speed of a communications service that a consumer could expect to receive most of the time when accessing the service, regardless of the time of day. Normally available speed would be derived from estimated speed ranges, speed averages, peak-hour speed and minimal speed. The methodology would be established in BEREC guidelines and regularly reviewed and updated to reflect technology and infrastructure evolution. Member States shall ensure that providers enable end-users to have access to comparable information on the coverage of the mobile networks, including different technologies in their Member State, prior to the conclusion of the contract, to enable them to make informed purchasing decisions.*

Or. en

Amendment 4

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 25 (Harbour), 294 (Creutzmann)

CA has also taken into consideration the following AMs tabled to other articles of the proposed regulation: 238 (Obermayr)

Proposal for a regulation

Article 36 – paragraph – point 1 f (new)

Directive 2002/22/EC

Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(1f) In Article 20, the following paragraph is added:

“2a. BEREC shall issue guidelines for the establishment of standard contractual information templates containing the information required by paragraphs 1 and 1a of this Article.

National regulatory authorities may specify additional requirements on the content, form and manner of the contractual information to be published, including in particular data delivery speeds, taking utmost account of the BEREC guidelines ~~for~~ on the measurement methods and the content, form and manner of the information to be published, as set out in Article 21(3a).”

Or. en

Amendment 5

Rapporteur, EPP, Greens/EFA, ALDE, ECR

Compromise amendment replacing AMs 293 (Manders), 295 (rapporteur), 296 (Vergnaud), 297 (Creutzmann), 308 (Bastos)

CA has also taken into consideration the following AMs tabled to other articles of the proposed regulation: Greens/EFA/EFA 271 (Engström), 272 (Obermayr), 273 (Obermayr), 274 (Obermayr) 275 (Engström), 276 (Engström)

Proposal for a regulation

Article 36 – paragraph 1 – point 1 g (new)

Directive 2002/22/EC

Article 20 a (new)

(1g) The following Article is inserted:

"Article 20a

Contract duration and termination

1. Member States shall ensure that the maximum duration of contracts concluded between consumers and providers of electronic communications to the public is 24 months. Providers of electronic communications to the public shall offer end-users the possibility of 12 month contracts.

2. The consumer shall have the right to withdraw from a distance or off premises contract within 14 days after its conclusion in accordance with Directive 2011/83/EU.

3. Where a contract or national law provides for contract periods with a fixed term (as opposed to a minimum term) to be automatically rolled over, the provider of electronic communications to the public shall inform the consumer in due time so that the consumer has at least one month to oppose such automatic roll-over. If the consumer does not oppose such automatic roll-over, the contract shall be deemed to be a permanent rolling contract which can be terminated by the consumer, at any time with a one-month notice period and without incurring any costs except the cost of providing service during the notice period.

4. Member States shall ensure that consumers have the right to terminate their contract without incurring any costs upon receiving notice of changes in the contractual conditions proposed by the provider of electronic communications to the public unless the proposed changes are exclusively to the benefit of the end-user . Providers shall give consumers adequate notice, not less than one month, of any such change, and shall inform

them at the same time of their right to terminate their contract without incurring any costs if they do not accept the new contractual conditions. Paragraph 2 shall apply mutatis mutandis.

5. Any significant discrepancy, continuous or regularly recurring, between the actual performance regarding speed or other quality of service parameters and the performance indicated by the provider of electronic communications to the public in accordance with Article 20 shall be deemed to constitute non-conformity of performance for the purposes of determining the remedies available to the consumer in accordance with national law.

6. Member States shall ensure that a subscription to additional services provided by the same provider of electronic communications to the public shall not re-start the initial contract period unless the additional services are offered at a special promotional price available only on condition that the existing contract period is re-started.

7. Member States shall ensure that providers of electronic communications to the public apply conditions and procedures for contract termination which do not raise obstacles to or disincentives against changing service providers.'

8. If a bundle of services offered to consumers comprises at least a connection to an electronic communications network or an electronic communications service, the provisions of this Article shall apply to all elements of the bundle.

9. Member States may maintain or introduce additional requirements to ensure a higher level of consumer protection in relation to contracts to which this Article applies."

Amendment 6**Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR**

Compromise amendment replacing AMs 298 (Thun und Hohenstein), 27 (Harbour), 28 (Harbour), 30 (Harbour), 31 (Harbour), 299 (Creutzmann), 300 (Bastos), 301 (Harbour), 302 (Creutzmann, Lokkegaard), 303 (Vergnaud), 304 (Bastos)

CA has also taken into consideration the following AMs tabled to other articles of the proposed regulation: 243 (Engström), 232 (Verheyen), 241 (Gall-Pelcz), 249 (Engström), 233 (Obermayr), 234 (Obermayr), 242 (Engström), 245 (Engström), 246 (Obermayr), 237 (Weidenholzer), 244 (Weidenholzer), 249 (Engström)

Proposal for a regulation**Article 36 – paragraph 1 – point 1 h (new)**

Directive 2002/22/EC

Article 21

Present text

1. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing public electronic communications networks and/or publicly available electronic communications services to publish transparent, comparable, adequate and up-to-date information on applicable prices and tariffs, on any charges due on termination of a contract and on standard terms and conditions in respect of access to, and use of, services provided by them to end-users **and consumers** in accordance with Annex II. Such information shall be published in a clear, comprehensive and easily accessible form. National regulatory authorities may specify additional requirements regarding the form in which such information is to be published.

*Amendment****(1h) Article 21 is replaced by the following:***

‘1. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing public electronic communications networks and/or publicly available electronic communications services to publish transparent, comparable, adequate and up-to-date information on applicable prices and tariffs, on any charges due on **early** termination of a contract and on standard terms and conditions in respect of access to, and use of, services provided by them to end-users in accordance with Annex II. Such information shall be published in a clear, comprehensive and easily accessible form **and shall be updated regularly. Any differentiation in the conditions applied to consumers and other end-users so requesting shall be made explicit.** National regulatory authorities may specify additional requirements regarding the form in which such information is to be published, **which may in particular include the introduction of language requirements so as to ensure that such information is easily understood by consumers and other end-users so**

2. National regulatory authorities shall **encourage the provision of comparable information to enable end-users and consumers to make an independent evaluation of** the cost of alternative usage patterns, **for instance by means of interactive guides or similar techniques.** Where such facilities are not available on the market free of charge or at a reasonable price, Member States shall ensure that national regulatory authorities are able to make such guides or techniques available themselves or through third party procurement. Third parties shall have a right to use, free of charge, the information published by undertakings providing electronic communications networks and/or publicly available electronic communications services for the purposes of selling or making available such interactive guides or similar techniques.

3. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing public electronic communications networks and/or publicly available electronic communications services to inter alia:

(a) provide applicable tariff information **to subscribers** regarding any number or

requesting. Member States shall ensure that providers of electronic communications to the public are obliged upon request to supply the information, to the relevant national regulatory authorities, in advance of its publication.'

'2. National regulatory authorities shall **ensure that consumers and other end-users so requesting have access to independent evaluation tools to enable them to compare the performance of electronic communications network access and services and** the cost of alternative usage patterns. Where such facilities are not available on the market free of charge or at a reasonable price, Member States shall ensure that national regulatory authorities are able to make such guides or techniques available themselves or through third party procurement. Third parties shall have a right to use, free of charge, the information published by undertakings providing electronic communications networks and/or publicly available electronic communications services for the purposes of selling or making available **such independent evaluation tools.'**

"2a. Member States shall ensure that national regulatory authorities, under guidance from BEREC and following consultation with relevant stakeholders, establish a voluntary certification scheme for interactive comparison websites, guides or similar tools, based on objective, transparent and proportionate requirements, including in particular independence from any provider of electronic communications to the public."

'3. Member States shall ensure that national regulatory authorities are able to oblige undertakings providing public electronic communications networks and/or publicly available electronic communications services to inter alia:

(a) provide **end-users with** applicable tariff information regarding any number or

service subject to particular pricing conditions; with respect to individual categories of services, national regulatory authorities may require such information to be provided immediately prior to connecting the call;

(b) inform subscribers of any change to access to emergency services or caller location information in the service to which they have subscribed;

(c) inform subscribers of any change to conditions limiting access to and/or use of services and applications, where such conditions are permitted under national law in accordance with Community law;

(d) provide information on any procedures put in place by the provider to measure and shape traffic so as to avoid filling or overfilling a network link, and on how those procedures could impact on service quality;

service subject to particular pricing conditions; with respect to individual categories of services, national regulatory authorities may require such information to be provided immediately prior to connecting the call;

(b) provide end-users with information on access to emergency services and caller location for all relevant services offered, and any limitations on the provision of emergency services under Article 26, and to ensure that any changes are notified without delay;

(da) provide information on internet access services, where offered, specifying the following:

(i) for fixed data links, the normally available and minimum expected download and upload speed in the end-user's Member State of residence; for mobile data links, the estimated and minimum expected download and upload speed when connected through the provider's wireless network in the end-user's Member State of residence;

(ii) details of unit data pricing plans, pricing plans for bulk data and any applicable thresholds. For data volumes above thresholds: unit or bulk pricing on an ad hoc or lasting basis and any data speed limitations that may be applied;

(iii) how end-users can monitor the current level of their consumption, whether and how any voluntary

limitations can be set;

(iv) a clear and comprehensible explanation as to how any data volume limitation, the speed and other quality of service parameters may in practice have an impact on the use of internet access services, in particular the use of content, applications and services;

(v) information on any procedures put in place by the provider to measure and shape traffic as defined in Article 23(5) of Regulation (XXX) including an indication of the underlying communication inspection methods used for reasonable traffic management measures and information on how those procedures could impact on service quality, end-users' privacy and the protection of personal data;*

(e) inform *subscribers* of their right to determine whether or not to include their personal data in a directory, and of the types of data concerned, in accordance with Article 12 of Directive 2002/58/EC (*Directive on privacy and electronic communications*); and

(f) regularly inform disabled *subscribers* of details of products and services designed for them.

If deemed appropriate, national regulatory authorities may promote self or co-regulatory measures prior to imposing any obligation.

(e) inform consumers, *and other end-users where applicable*, of their right to determine whether or not to include their personal data in a directory, and of the types of data concerned, in accordance with Article 12 of Directive 2002/58/EC; and

(f) regularly inform disabled *consumers, and other end-users, where applicable*, of details of products and services designed for them and *the measures taken to ensure equivalence of access*;

If deemed appropriate, national regulatory authorities may promote self- or co-regulatory measures prior to imposing any obligation. *Member States may specify additional requirements on the content, form and manner of the information to be published, taking utmost account of the BEREC guidelines referred to in paragraph 3a of this article.'*

'3a .By (DATE OF APPLICATION OF THIS REGULATION XXX DEADLINE), BEREC, after consulting stakeholders and in close cooperation with the Commission, shall lay down general guidelines for the methods of*

measuring the speed, the quality of service parameters to be measured (inter alia average versus advertised speeds; quality as perceived by users), and the methods for measuring them over time, as well as the content, form and manner of the information to be published, including possible quality certification mechanisms, in order to ensure that end-users, including disabled end-users, have access to comprehensive, comparable, reliable and user-friendly information. Where appropriate, the parameters, definitions and measurement methods set out in Annex III may be used.

4. Member States may require that the undertakings referred to in paragraph 3 distribute public interest information free of charge **to existing and new subscribers**, where appropriate, by the same means as those ordinarily used by them in their communications **with subscribers**. In such a case, that information shall be provided by the relevant public authorities in a standardised format and **shall**, inter alia, cover the following topics:

(a) the most common uses of electronic communications services to engage in unlawful activities or to disseminate harmful content, particularly where it may prejudice respect for the rights and freedoms of others, including infringements of copyright and related rights, and their legal consequences; and

(b) the means of protection against risks to personal security, privacy and personal data when using electronic communications services.

4. Member States may require that the undertakings referred to in paragraph 3 distribute public interest information free of charge **to end-users, where appropriate**, by the same means as those ordinarily used by them in their communications **with end-users**. In such a case, that information shall be provided by the relevant public authorities **to the providers of electronic communications to the public** in a standardised format and **may**, inter alia, cover the following topics:

(a) the most common uses of electronic communications services to engage in unlawful activities or to disseminate harmful content, particularly where it may prejudice respect for the rights and freedoms of others, including infringements of **data protection rights**, copyright and related rights, and their legal consequences; and

(b) the means of protection against risks to personal security, privacy and personal data when using electronic communications services."

*** Regulation (EU) No XXX/20XX of the European Parliament and of the Commission of laying down measures concerning the European single market for electronic communications and to**

achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211:/2009 and (EU) No 531/2012 (OJ L XXX, XX.XX.20XX, p. X).’

Or. en

Amendment 7

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 305 (Harbour), 306 (Creutzmann, Lokkegaard), 307 (Bastos)

CA has also taken into consideration the following AMs tabled to other articles of the proposed regulation: 267 (Engström), 142 (Tarabella, Stihler)

Proposal for a regulation

Article 36 – paragraph 1 – point 1 i (new)

Directive 2002/22/EC

Article 21 a (new)

Text proposed by the Commission

Amendment

(1i) The following Article is inserted:

“Article 21a

Control of consumption

1. Member States shall ensure that providers of electronic communications offer consumers and end-users the facility to monitor and control their usage of electronic communications services billed on time or volume consumption. This facility must include:

(a) for pre-paid and post-paid services, access to timely information on their service consumption free of charge;

(b) for post-paid services, the ability to set free of charge a predefined financial cap on their usage, to request notification when a predefined proportion of the cap and the cap itself has been reached, the procedure to be followed to continue usage if the cap is exceeded, and the applicable pricing plans;

(c) itemised bills on a durable medium.

2. BEREC shall lay down guidelines for the implementation of paragraph 1.

After having reached the financial limit end-users shall continue to be able to receive calls and SMS messages and access free-phone numbers and emergency services by dialling the European emergency number 112 free of charge until the end of the agreed billing period.

Or. en

Amendment 8

Rapporteur, EPP, S&D, ALDE, S&D, Greens/EFA, ECR

Compromise amendment replacing AMs 311 (Creutzmann), 312 (Vergnaud, Tarabella), 313 (Engström), 314 (Engström), 315 (Engström), 316 (Engström)

Proposal for a regulation

Article 36 – paragraph 1 – point 2 a (new)

Directive 2002/22EC

Article 26

Present text

"1. Member States shall ensure that all end-users of the service referred to in paragraph 2, including users of public pay telephones, are able to call the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number "112" and any national emergency call number specified by Member States.

Amendment

(2a) Article 26 is replaced by the following:

"1. Member States shall ensure that all end-users of the service referred to in paragraph 2, including users of public pay telephones are able to call the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number "112" and any national emergency call number specified by Member States.

1a (new). Member States shall ensure that all users of private electronic communication networks are able to call the emergency services, or, where applicable, the internal emergency services, free of charge, by using the single European emergency call number '112' and any national emergency call number specified by the Member States.

2. Member States, in consultation with national regulatory authorities, emergency services and providers, shall ensure that undertakings providing end-users with an electronic communications service for originating national calls to a number or numbers in a national telephone numbering plan provide access to emergency services.

3. Member States shall ensure that calls to the single European emergency call number "112" are appropriately answered and handled in the manner best suited to the national organisation of emergency systems. Such calls shall be answered and handled at least as expeditiously and effectively as calls to the national emergency number or numbers, where these continue to be in use.

4. Member States shall ensure that access for disabled end-users to emergency services is equivalent to that enjoyed by other end-users. Measures taken to ensure that disabled end-users are able to access emergency services whilst travelling in other Member States shall be based to the greatest extent possible on European standards or specifications published in accordance with the provisions of Article 17 of Directive 2002/21/EC (Framework Directive), and they shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in this Article.

5. Member States shall ensure that

2. Member States, in consultation with national regulatory authorities, emergency services and providers, shall ensure that undertakings providing end-users with an electronic communications service for originating national calls to a number or numbers in a national telephone numbering plan provide access to emergency services.

3. Member States shall ensure that calls to the single European emergency call number "112" are appropriately answered and handled in the manner best suited to the national organisation of emergency systems. Such calls shall be answered and handled at least as expeditiously and effectively as calls to the national emergency number or numbers, where these continue to be in use.

The Commission, in consultation with the relevant competent authorities, shall adopt a recommendation on performance indicators for Member States. The Commission shall every two years submit a report on the effectiveness of the implementation of the European emergency call number "112" and on the functioning of the performance indicators. The first such report shall be submitted to the European Parliament and the Council by the 31 December 2015.

4. Member States shall ensure that access for disabled end-users to emergency services is equivalent to that enjoyed by other end-users. Measures taken to ensure that disabled end-users are able to access emergency services whilst travelling in other Member States shall be based to the greatest extent possible on European standards or specifications published in accordance with the provisions of Article 17 of Directive 2002/21/EC (Framework Directive), and they shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in this Article.

5. Member States shall ensure that

undertakings concerned make caller location information available free of charge to the authority handling emergency calls as soon as the call reaches that authority. This shall apply to all calls to the single European emergency call number "112". Member States may extend this obligation to cover calls to national emergency numbers. Competent regulatory authorities shall lay down criteria for the accuracy and reliability of the location information provided.

6. Member States shall ensure that citizens are adequately informed about the existence and use of the single European emergency call number "112", in particular through initiatives specifically targeting persons travelling between Member States.

7. In order to ensure the effective access to "112" services in the Member States, the Commission, having consulted BEREC, **may adopt technical implementing measures**. However, these **technical implementing** measures shall be adopted without prejudice to, and shall have no impact on, the organisation of emergency services, which remains of the exclusive

undertakings concerned make caller location information available free of charge to the authority handling emergency calls as soon as the call reaches that authority. This shall apply to all calls to the single European emergency call number "112". Member States may extend this obligation to cover calls to national emergency numbers. ***The European Commission shall ensure that*** competent regulatory authorities shall lay down criteria for the accuracy and reliability of the location information provided ***in accordance with Paragraph 7 and taking utmost account of the BEREC guidelines.***

By (6 months after the DATE OF APPLICATION DEADLINE) BEREC, after consulting relevant stakeholders and in close cooperation with the Commission, shall lay down guidelines for the criteria for the accuracy and reliability of the caller location information provided to emergency services. Those guidelines shall take into account the feasibility of using a mobile terminal equipped with a GNSS devices of mobile terminals in order to improve the accuracy and reliability of the caller location information of a 112 call.

6. Member States ***and the Commission*** shall ensure that citizens are adequately informed about the existence and use of the single European emergency call number "112", in particular through initiatives specifically targeting persons travelling between Member States. ***The Commission shall support and complement Member States' action.***

7. In order to ensure the effective access to "112" services in the Member States, the Commission, having consulted BEREC, ***shall be empowered to adopt delegated acts in accordance with Article 37a concerning caller location criteria and key performance indicators on access to 112.*** However, these measures shall be adopted without prejudice to, and shall have no impact on, the organisation of

competence of Member States."

emergency services, which remains of the exclusive competence of Member States."

7a. The Commission shall maintain a database of E.164 numbers of European emergency services to ensure that they are able to contact each other from one Member State to another.

Or. en

Proposal for a regulation

Article 36 – paragraph 1 – point 2 c (new)

Directive 2002/22/EC

Article 37a (new)

Text proposed by the Commission

Amendment

(2c) The following Article 37a is inserted:

Article 37a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts referred to in Article 26 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of Regulation (XXX)*.**
- 3. The delegation of power referred to in Article 26 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.**

** Regulation (EU) No XXX/20XX of the European Parliament and of the Commission of laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211:/2009 and (EU) No 531/2012 (OJ L XXX, XX.XX.20XX, p. X).'*

Or. en

Amendment 9

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 34 (Harbour), 320 (Harbour), 36 (Harbour), 37 (Harbour), 38 (Harbour), 319 (Bastos), 321 (Creutzmann), 324 (Harbour), 323 (Bastos), 322 (Bastos), 318 (Manders)

CA has also taken into consideration the following AMs tabled to other articles of the proposed regulation: 281 (Stihler, Tarabella), 282 (Engström), 283 (Engström)

Proposal for a regulation

Article 36 – paragraph 1 – point 2 d (new)

Directive 2002/22/EC

Article 30

Present text

1. Member States shall ensure that all subscribers with numbers from the national telephone numbering plan who so request can retain their number(s) independently of the **undertaking** providing the service in accordance with the provisions of Part C of Annex I.

2. National regulatory authorities shall ensure that pricing between operators and/or service providers related to the provision of number portability is cost-oriented, and that direct charges to

Amendment

(2c) Article 30 is replaced by the following:

"1. Member States shall ensure that all subscribers with numbers from the national telephone numbering plan who so request can retain their number(s) independently of the **provider of electronic communications to the public** providing the service in accordance with the provisions of Part C of Annex I."

2. National regulatory authorities shall ensure that pricing between operators and/or service providers related to the provision of number portability is cost-oriented, and that direct charges to

subscribers, if any, do not act as a disincentive for subscribers against changing service provider.

3. National regulatory authorities shall not impose retail tariffs for the porting of numbers in a manner that would distort competition, such as by setting specific or common retail tariffs.

"4. Porting of numbers and their subsequent activation shall be carried out within the shortest possible time. ***In any case, subscribers*** who have concluded an agreement to port a number to a new ***undertaking shall have*** that number activated within one working day.

Without prejudice to the first subparagraph, competent national authorities may establish the global process of porting of numbers, ***taking into account national provisions on contracts, technical feasibility*** and the need to maintain continuity of service to the ***subscriber***. In any event, loss of service during the process of porting shall not exceed one working day. ***Competent national authorities shall also take into account, where necessary, measures ensuring that subscribers are protected throughout the switching process and are not*** switched to another provider against their will.

Member States shall ensure that appropriate sanctions on undertakings are provided for, including an obligation to compensate subscribers in case of delay in porting or abuse of porting by them or on their behalf."

subscribers, if any, do not act as a disincentive for subscribers against changing service provider.

3. National regulatory authorities shall not impose retail tariffs for the porting of numbers in a manner that would distort competition, such as by setting specific or common retail tariffs.

4. Porting of numbers and their subsequent activation shall be carried out within the shortest possible time. ***For end-users*** who have concluded an agreement to port a number to a new ***provider*** that number ***shall be*** activated within one working day.

Without prejudice to the first subparagraph, competent national authorities may establish the global process of ***switching and*** porting of numbers ***taking into account the BEREC guidelines referred to in paragraph 4b. They shall take into account necessary end-user protection throughout the switching process, the need to ensure the efficiency of such a process for the end user, the need to maintain continuity of service to the end user and the need to ensure that switching processes are not harmful to competition.*** In any event, loss of service during the process of porting shall not exceed one working day. ***End-users*** shall ***not be*** switched to another provider against their will.

Member States shall ensure that appropriate sanctions on undertakings are provided for, including an obligation to compensate subscribers in case of delay in porting, ***of not making available information necessary for porting in a timely manner,*** or abuse of porting by them or on their behalf."

4a. The receiving provider of electronic communications to the public shall lead the switching and porting process. End-users shall receive adequate information

on switching before and during the switching process, and also immediately after it is concluded.

4b. BEREC shall lay down guidelines on all the modalities and procedures of the switching and porting process, in particular the respective responsibilities of the receiving and transferring provider in the process of switching and porting, information to be provided to consumers during that process, timely termination of an existing contract the refund of any pre-payments and effective e-mail forwarding services.

4c. If a bundle of services offered to consumers comprises at least a connection to an electronic communications network or an electronic communications service, the provisions of this Article shall apply to all elements of the bundle.

5. Member States shall ensure that contracts concluded between consumers and undertakings providing electronic communications services do not mandate an initial commitment period that exceeds 24 months. Member States shall also ensure that undertakings offer users the possibility to subscribe to a contract with a maximum duration of 12 months

6. Without prejudice to any minimum contractual period, Member States shall ensure that conditions and procedures for contract termination do not act as a disincentive against changing service provider.

Or. en

Amendment 10

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 1 (rapporteur), 112 (Gebhardt, Kammerevert), 113 (Stihler), 114 (Manders), 115 (Creutzmann)

Proposal for a regulation

Article 2 – paragraph 2 – point 14

Text proposed by the Commission

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

Amendment

(14) ‘internet access service’ means a publicly available electronic communications service that **provides** connectivity to the internet, **and** between virtually all end points connected to the internet, irrespective of the network **technologies or terminal equipment** used;

Or. en

Amendment 11

Rapporteur, EPP, ECR

Compromise amendment replacing AMs 2 (rapporteur), 117 (Stihler), 118 (Weidenholzer), 119 (Verheuen, Collon-Langen, Schwab), 120 (Manders), 121 (Creutzmann)

Proposal for a regulation

Article 2 – paragraph 2 – point 15

Text proposed by the Commission

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

Amendment

(15) ‘specialised service’ means an electronic communications service, **optimised for** specific content, applications or services, or a combination thereof, **by deploying traffic management to ensure the appropriate level of network capacity and quality, provided over logically distinct capacity and relying on strict admission control, with a view to securing enhanced quality characteristics which are controlled from end-to-end** and that is not marketed or used as a substitute for internet access services;

Or. en

Amendment 12

Rapporteur, EPP, S&D, ALDE, ECR

Compromise amendment replacing AMs 6 (rapporteur), 160 (Engström), 161 (Stihler), 162 (Vergnaud), 163 (Gebhardt, Kammerevert), 164 (Weidenholzer), 165 (Creutzmann), 166 (Harbour), 167 (Creutzmann), 168 (Gebhardt, Kammerevert), 169 (Vegnaud), 170 (Weidenholzer), 171 (Bastos), 172 (Verheyen, Collin-Langen, Schwab)

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

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

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

Amendment

1. End-users shall be free to access and distribute information and content, run applications, and use ***devices, services and software*** of their choice, ***irrespective of their origin or destination***, via their internet access service.

Internet access service providers shall not restrict or prevent the use by end-users of any terminal equipment to access and distribute information and content via their internet access service. This is without prejudice to the rights of Member States to grant individual rights of use under Article 5 of Directive 2002/20/EC and in accordance with Directive (EU) No XXX/20XX.*

****Directive (EU) No XXX/20XX of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment OJ L XXX, XX.XX.20XX, p. X.***

Or. en

Amendment 13

Rapporteur, EPP, S&D, ALDE, ECR

Compromise amendment replacing AMs 7 (rapporteur), 174 (Gebhardt, Kammerevert), 175 (Creutzmann), 176 (Verheyen, Colling-Langen, Schwab), 177 (Stihler), (178 (Engström), 179

(Creutzmann), 180 (Gebhardt, Kammerevert), 181 (Verheyen, Colling-Langen, Schwab), 182 (Manders), 183 (Weidenholzer), 184 (Stihler), 185 (rapporteur)

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

Text proposed by the Commission

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

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

Amendment

2. End-users shall also be free to **enjoy specialised services delivered by** providers of electronic communications services or providers of content, applications and services.

Providers of electronic communication services or providers of content, applications and services shall be allowed to offer specialised services, provided that such offers are in addition to internet access services and are not to the material detriment of their availability or quality.

For competent authorities to be able to assess such potential detriment, providers of electronic communication services or providers of content, applications and services shall transmit to them, upon request, precise information regarding the capacities assigned to the two types of services, the criteria based on which network capacity is shared and, where appropriate, justifications about the measures put in place to prevent impairment of internet access services by the specialised services.

Or. en

Amendment 14

Rapporteur, EPP, S&D, ALDE, ECR

Compromise amendment replacing AMs 8 (rapporteur), 189 (Engström), 190 (Verheyen,

Proposal for a regulation

Article 23 – paragraph 4

Text proposed by the Commission

4. ***The exercise of the freedoms provided for in paragraphs 1 and 2 shall be facilitated by the provision of complete information in accordance with Article 25(1), Article 26 (2), and Article 27 (1) and (2).***

Amendment

4. ***End-users shall be provided with complete information in accordance with Article 20(2), Article 21(3) and Article 21a of Directive 2002/22/EC, including information on any reasonable traffic management measures applied that might affect access to and distribution of information, content, applications and services as specified in paragraphs 1 and 2.***

Or. en

Amendment 15

Rapporteur, EPP, S&D, ECR

Compromise amendment replacing AMs 9 (rapporteur), 193 (Verheyen, Collin-Langen, Schwab), 194 (Weidenholzer), 195 (Vegnaud), 196 (Creutzmann, Lokkegaard), 197 (Stihler), 198 (Verheyen, Collin-Langen, Schwab), 199 (Creutzmann), 200 (Weidenholzer), 201 (Verheyen, Collin-Langen), 202 (Weidenholzer), 203 (Weidenholzer), 204 (Verheyen, Collin-Langen), 205 (Creutzmann), 206 (Verheyen, Collin-Langen), 207 (Creutzmann), 208 (Gáll-Pelcz, Gyürk), 209 (Engström), 210 (Weidenholzer), 211 (Stihler)

Proposal for a regulation

Article 23 – paragraph 5

Text proposed by the Commission

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

Amendment

5. ***Providers of internet access services shall not restrict the freedoms provided for in paragraph 1 by discriminating against, restricting, or otherwise interfering with the transmission of specific content, applications or services, or specific classes thereof, except in cases where it is necessary to apply reasonable traffic management measures to prevent or minimise the effects of network congestion, provided that equivalent types of traffic are treated equally, or to implement a court order.***

Such measures shall be set by transparent procedures, not be maintained longer than strictly necessary and provide adequate safeguards; in particular to ensure that any restrictions are limited to what is necessary, non-discriminatory and proportionate.

Those safeguards shall include the possibility of judicial redress.

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

b) preserve the integrity and security of the network, services provided via this network, and the end-users' terminals;

c) prevent the transmission of unsolicited communications to end-users who have given their prior consent to such restrictive measures;

d) minimise the effects of temporary or exceptional network congestion provided that equivalent types of traffic are treated equally.

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

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

Or. en

Amendment 16

Rapporteur, EPP, S&D, ALDE, ECR

Compromise amendment replacing AMs 10 (rapporteur), 213 (Verheyen, Collin-Langen, Schwab), 214 (Engström), 216 (Thun und Hohenstein), 217 (Obermayr), 218 (Creutzmann), 219 (Weidenholzer), 215 (Gebhardt, Kammerevert),

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. National regulatory authorities shall

1. National regulatory authorities, *in*

closely monitor and ensure the *effective* ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2), compliance with Article 23 (5), and *the continued* availability of non-discriminatory internet access services *at levels of quality that reflect advances in technology and that are not impaired by specialised services. They shall, in cooperation with other competent national authorities, also monitor the effects of specialised services on cultural diversity and innovation.* National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring *and* findings.

cooperation with data protection authorities and other competent authorities, where appropriate, shall have the power and obligation to monitor, in compliance with Article 23 (5), *the application of reasonable traffic management measures* and, *through the availability of affordable non-discriminatory internet access services,* ensure the ability of end-users to benefit from the freedoms provided for in Article 23 (1) and (2). *They shall take the utmost account of the BEREC guidelines specified in paragraph 2 of this Article and in paragraph 3a of Article 21(3a) of the Directive 2002/22/EC. The criteria for defining reasonable traffic management measures shall be subject to periodic review.* National regulatory authorities shall report on an annual basis to the Commission and BEREC on their monitoring, findings *and measures taken. These reports shall be made public.*

Or. en

Amendment 17

Rapporteur, EPP, S&D, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 11 (rapporteur), 212 (Verheyen, Collin-Langen, Schwab), 220 (Verheyen, Collin-Langen), 221 (Obermayr), 222 (Obermayr), 223 (Obermayr), 224 (Thun und Hohenstein), 225 (Engström), AM 227 (Gáll-Percz, Gyürk)

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

2. In order to prevent the general impairment of quality of service for internet access services or to safeguard the ability of end-users to access and distribute content or information or to run applications and services of their choice, national regulatory authorities shall have the power to impose minimum quality of service requirements on providers of electronic communications to the public.

Amendment

2. In order to prevent the general impairment of quality of service for internet access services or to safeguard the ability of end-users to access and distribute content or information or to run applications, services *and software* of their choice, national regulatory authorities shall have the power to impose minimum quality of service requirements, *and where appropriate, other quality of service parameters, as defined by the national*

National regulatory authorities shall, in good time before imposing any such requirements, provide the Commission with a summary of the grounds for action, the envisaged requirements and the proposed course of action. This information shall also be made available to BEREC. The Commission may, having examined such information, make comments or recommendations thereupon, in particular to ensure that the envisaged requirements do not adversely affect the functioning of the internal market. ***The envisaged requirements shall not be adopted during a period of two months from the receipt of complete information by the Commission unless otherwise agreed between the Commission and the national regulatory authority, or the Commission has informed the national regulatory authority of a shortened examination period, or the Commission has made comments or recommendations.*** National regulatory authorities shall take the utmost account of the Commission's comments or recommendations and shall communicate the adopted requirements to the Commission and BEREC.

regulatory authorities on providers of electronic communications to the public. National regulatory authorities shall, in good time before imposing any such requirements, provide the Commission with a summary of the grounds for action, the envisaged requirements and the proposed course of action. This information shall also be made available to BEREC. The Commission may, having examined such information, make comments or recommendations thereupon, in particular to ensure that the envisaged requirements do not adversely affect the functioning of the internal market. National regulatory authorities shall take the utmost account of the Commission's comments or recommendations and shall communicate the adopted requirements to the Commission and BEREC.

National regulatory authorities shall put in place appropriate complaint procedures for issues regarding the performance of internet access service for end-users and providers of content, applications and services.

By (DATE OF APPLICATION DEADLINE) BEREC, after consulting stakeholders and in close cooperation with the Commission, shall lay down general guidelines defining uniform conditions for the implementation of the obligations of national regulatory authorities under this Article, including in particular the application of reasonable traffic management measures.

Or. en

Amendment 18

Rapporteur, EPP, ALDE, Greens/EFA, ECR

Compromise amendment replacing AMs 67 (Weidenholzer), 68 (Verheyen, Collin-Langen, Schwab)

Proposal for a regulation

Recital 47

Text proposed by the Commission

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

Amendment

(47) In an open internet, providers of electronic communications to the public should not block, slow down, degrade, discriminate ***or otherwise interfere with the transmission of internet traffic*** against specific content, applications or services or specific classes thereof except for a limited number of reasonable traffic management measures. Such measures should be transparent, ***not be maintained longer than strictly necessary***, proportionate and non-discriminatory. Reasonable traffic management encompasses ***preventing or minimising the effects of network congestion, provided that equivalent types of traffic are treated equally.***

Or. en

Amendment 19

Rapporteur, EPP, Greens/EFA, ECR

Compromise amendment replacing AM 317 (Vergnaud)

Proposal for a regulation

Article 36 – paragraph 1 – point 2 e (new)

Directive 2002/22/EC

Article 26 a (new)

Text proposed by the Commission

Amendment

(2 e) The following Article is inserted:

“Article 26 a

Reverse EU “112” communication system

No later than [1 year after the transposition deadline] the Commission shall submit a report to the European Parliament and the Council on the feasibility for setting up a “Reverse EU112 communication system” utilising existing electronic communication networks, that covers the whole Union, is universal, multilingual, accessible, straightforward and effective in order to alert the public in the event of an imminent or developing disaster or major state of emergency.

The Commission shall consult BEREC and civil defence services, and examine the standards and specifications necessary for the setting up of the system referred to in paragraph 1. While preparing that report the Commission shall take into account existing national and regional 112 systems and shall comply with the Union law on the protection of private data. Where appropriate, that report shall be accompanied by a legislative proposal.

Or. en