European Parliament
2024-2029

Committee on Industry, Research and Energy

2026/0013(COD)

20.10.2026

***I
DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971, Directive (EU) 2018/1972 and Decision No 243/2012/EU
(COM(2026)0016 – C10-0014/2026 – 2026/0013(COD))

Committee on Industry, Research and Energy

Rapporteur: Michał Kobosko

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.
By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971, Directive (EU) 2018/1972 and Decision No 243/2012/EU
(COM(2026)0016 – C10-0014/2026 – 2026/0013(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2026)0016),

– having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0014/2026),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of 17 June 2026[1],

– having regard to Rule 60 of its Rules of Procedure,

– having regard to the report of the Committee on Industry, Research and Energy (A10-0000/2026),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] OJ C, C/2026/4657, 23.9.2026, ELI: http://data.europa.eu/eli/C/2026/4657/oj.

Amendment 1

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) Decision (EU) 2022/2481 of the European Parliament and of the Council[5] established the 'Digital Decade Policy Programme" digital targets for 2030. That Programme reflects the expected connectivity targets where all end users at a fixed location are covered by a ***gigabit*** network up to the network termination point, and all populated areas are covered by next-generation wireless high-speed networks with performance at least equivalent to that of 5G. To achieve those targets, policies should simplify, speed up, and lower the costs of, deployment of ***gigabit*** fixed and wireless networks across the Union, including by reducing the administrative burden for both operators and national administrations.	(3) Decision (EU) 2022/2481 of the European Parliament and of the Council[5] established the 'Digital Decade Policy Programme" digital targets for 2030. That Programme reflects the expected connectivity targets where all end users at a fixed location are covered by a ***very high capacity*** network up to the network termination point, and all populated areas are covered by next-generation wireless high-speed networks with performance at least equivalent to that of 5G. To achieve those targets, policies should simplify, speed up, and lower the costs of, deployment of ***very high capacity*** fixed and wireless networks across the Union, including by reducing the administrative burden for both operators and national administrations.
[5] Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4, ELI: http://data.europa.eu/eli/dec/2022/2481/oj).	[5] Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4, ELI: http://data.europa.eu/eli/dec/2022/2481/oj).

Or. en

Amendment 2

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The requirements concerning the capabilities of electronic communications networks are constantly increasing. While	(8) The requirements concerning the capabilities of electronic communications networks are constantly increasing. While

in the past the focus was mainly on growing bandwidth available overall and to each individual user, other parameters such as downlink and uplink data rates, latency, availability and reliability are becoming increasingly important. The current response towards that demand is to bring optical fibre closer and closer to the end-user, ***and*** future '***gigabit*** networks' require performance parameters which are equivalent to those that a network based on optical fibre elements at least up to the network termination point can deliver. ***In the case of wireless connection, this corresponds to network performance similar to that achievable based on an optical fibre installation up to the base station, considered to be the network termination point. Such gigabit*** networks***, both fixed and mobile, are*** capable ***to provide*** data rates in the order of at least one gigabit per second in uplink and downlink, as well as other advanced performance parameters like low latency and high stability. The term '***gigabit network' replaces the term 'very high capacity network' with updated performance characteristics corresponding to the technological and market evolution. As a result, by virtue of this Regulation, any reference to '***very high capacity network' as ***defined in Article 2(2) of*** Directive (EU) 2018/1972 ***shall be construed as 'gigabit network' as defined in this Regulation***.	in the past the focus was mainly on growing bandwidth available overall and to each individual user, other parameters such as downlink and uplink data rates, latency, availability and reliability are becoming increasingly important. The current response towards that demand is to bring optical fibre closer and closer to the end-user, ***as*** future '***very high capacity*** networks' require performance parameters which are equivalent to those that a network based on optical fibre elements at least up to the network termination point can deliver. ***Fixed very high capacity*** networks ***should be*** capable ***of providing*** data rates in the order of at least one gigabit per second in uplink and downlink, as well as other advanced performance parameters like low latency and high stability. The term 'very high capacity network' as ***used in*** Directive (EU) 2018/1972***, should be maintained in order to ensure continuity and legal certainty for investors, national regulatory authorities and public funding schemes***.
	Or. en

Amendment 3

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission	*Amendment*
	(8a) Content delivery networks and submarine communication cables are

integral components of the infrastructure through which signals are conveyed in the Union. Content delivery networks carry a significant and growing share of internet traffic up to the edge of, or within, public electronic communications networks, while submarine communication cables are essential for international and intra-Union connectivity and for the resilience of the Union. In line with the principle that the same activities should be subject to the same rules, the definition of electronic communications network should therefore explicitly cover content delivery networks and submarine communication cables, to the extent that they are used for the purpose of transmitting signals. This should not affect the exclusion from the scope of this Regulation of the content transmitted over such networks.

Or. en

Amendment 4

Proposal for a regulation
Recital 8 b (new)

Text proposed by the Commission	*Amendment*
	(8b) Critical communication, which is not publicly available and which is essential for communication in emergencies and crisis situations and for restoring or maintaining security and public safety, should be defined in a manner consistent with the Union framework on critical communication systems, in order to ensure a coherent application of the obligations relating to the availability and resilience of such communication laid down in this Regulation.

Or. en

Amendment 5

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The objectives of the new regulatory framework should also be updated to address the challenges of the sector and ensure it can adapt to future developments. With the technological transformation of electronic communications networks towards digital networks integrating cloud and artificial intelligence ('AI') based solutions, the connectivity ecosystem is expanding. Therefore, this Regulation should support the competitiveness of the sector and the ability to master this transformation. It should foster innovation and effective cooperation among the broad range of players in the extended connectivity ecosystem.	(16) The objectives of the new regulatory framework should also be updated to address the challenges of the sector and ensure it can adapt to future developments. With the technological transformation of electronic communications networks towards digital networks integrating cloud and artificial intelligence ('AI') based solutions, the connectivity ecosystem is expanding. Therefore, this Regulation should support the competitiveness of the sector and ***of the overall European economy and*** the ability to master this transformation. It should foster innovation and effective cooperation among the broad range of players in the extended connectivity ecosystem.

Or. en

Amendment 6

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) With a view to increasing the competitiveness and resilience of the sector, this Regulation should facilitate the development of a single market for electronic communications by introducing simplified and further harmonised measures, facilitating scale-up in the Union, supporting and incentivising innovation and investment in modern, resilient and sustainable networks and services. This should include facilitating	(17) With a view to increasing the competitiveness and resilience of the sector, this Regulation should facilitate the development of a single market for electronic communications by introducing simplified and further harmonised measures ***that avoid imposing unnecessary regulatory, administrative or financial burdens on undertakings***, facilitating scale-up in the Union, supporting and incentivising innovation and investment in

cross border provision of electronic communications networks and services, including pan-European satellite communications services as well as the development of trans-European digital networks.	modern, resilient and sustainable networks and services. This should include facilitating cross border provision of electronic communications networks and services, including pan-European satellite communications services as well as the development of trans-European digital networks.

Or. en

Amendment 7

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) As bottlenecks and barriers to entry remain at the infrastructure level, including as a consequence of the transition to fibre, it is necessary to ensure sustainable competition through the implementation of a simplified regulatory framework for access that addresses market failure, so that end-users continue to benefit from a larger choice of advanced affordable and high-quality services.	(19) As bottlenecks and barriers to entry remain at the infrastructure level, including as a consequence of the transition to fibre, it is necessary to ensure sustainable competition through the implementation of a simplified regulatory framework for access that addresses market failure, so that end-users continue to benefit from a larger choice of advanced affordable and high-quality services. ***Promoting effective competition in the provision of electronic communications networks and associated facilities, including efficient infrastructure-based competition between providers of electronic communications networks and services, as well as in the broader context of the digital sector, should therefore constitute a self-standing general objective of this Regulation.***

Or. en

Amendment 8

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) It is also necessary to give appropriate incentives for investment in ***gigabit*** networks (including advanced 5G, 6G, fibre, submarine communication cables, backbone networks) that support innovation in content-rich internet services and strengthen the overall competitiveness of the Union. It is therefore vital to promote efficient investment in the development of those networks and solutions, and to support widespread availability and take up of ***gigabit*** networks and of electronic communications services, including by the timely transition to a full fibre environment across the Union.	(21) It is also necessary to give appropriate incentives for investment in ***very high capacity*** networks (including advanced 5G, 6G, fibre, submarine communication cables, backbone networks) that support innovation in content-rich internet services and strengthen the overall competitiveness of the Union. It is therefore vital to promote efficient investment in the development of those networks and solutions, and to support widespread availability and take up of ***very high capacity*** networks and of electronic communications services, including by the timely transition to a full fibre environment across the Union.

Or. en

Amendment 9

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) In order to closely align the electronic communications framework with the Union objectives regarding its transition to a low-carbon economy, it is necessary to promote sustainable networks and services by supporting attractive investment conditions for energy-efficient and ***low-carbon*** networks and solutions. In particular, that objective should be aligned with fostering connectivity enabling energy efficiency and carbon neutrality in other industrial sectors and investment in energy-efficient connectivity infrastructure in line with the updated taxonomy framework and related Union Code of Conduct for Sustainability of Telecommunications Networks. It is also necessary to foster cooperation among the actors involved in	(23) In order to closely align the electronic communications framework with the Union objectives regarding its transition to a low-carbon economy, it is necessary to promote sustainable networks and services by supporting attractive investment conditions for energy-efficient and ***digital*** networks and ***low-carbom*** solutions. In particular, that objective should be aligned with fostering connectivity enabling energy efficiency and carbon neutrality in other industrial sectors and investment in energy-efficient connectivity infrastructure in line with the updated taxonomy framework and related Union Code of Conduct for Sustainability of Telecommunications Networks. It is also necessary to foster cooperation among

end-to-end service delivery as regards efficient management of data traffic.	the actors involved in end-to-end service delivery as regards efficient management of data traffic.

Or. en

Amendment 10

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission	*Amendment*
	(24a) When exercising their competences or carrying out their tasks in pursuit of the general objectives of this Regulation, Member States, national regulatory and other competent authorities, BEREC, the RSPB, the ODN and the Commission should avoid imposing unnecessary regulatory, administrative or financial burdens on undertakings, in line with the Union's objectives of simplification and of strengthening the competitiveness of the Union economy.

Or. en

Amendment 11

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) Electronic communications networks and services form a critical backbone of Union society and economy. While Directive (EU) 2022/2555 of the European Parliament and of the Council[16] addresses the cybersecurity and resilience of essential and important as well as critical entities, there is a need to further enhance the overall resilience,	(26) Electronic communications networks and services form a critical backbone of Union society and economy. While Directive (EU) 2022/2555 of the European Parliament and of the Council[16] addresses the cybersecurity and resilience of essential and important as well as critical entities, there is a need to further enhance the overall resilience,

preparedness and continuity of electronic communications at Union level, including in situations involving cross-border ***or*** large-scale natural or man-made disruptions, crises or force majeure that may negatively affect the population. ***The ODN*** should play a central coordination role as regards resilience in the electronic communications sector, drawing on ***its*** expertise, market oversight and Union-wide perspective. As such, ***the ODN*** should exchange and coordinate with national regulatory authorities, the Commission and other relevant Union bodies and agencies***, including ENISA***, as well as, where appropriate, international organisations such as NATO, on issues relating to Union-level assessment, monitoring, analysis and preparedness of electronic communications networks and services and their capability to contribute to the overall resilience of Union society and economy, while fully respecting the roles of ENISA, the Network and Information Systems Cooperation Group ('NIS Cooperation Group') and the European cyber crisis liaison organisation network ('EU-CyCLONe') under the Union cybersecurity and civil protection frameworks.

[16] Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80, ELI: http://data.europa.eu/eli/dir/2022/2555/oj).

preparedness and continuity of electronic communications at Union level, including in situations involving cross-border ***and*** large-scale natural or man-made disruptions, crises or force majeure that may negatively affect the population. ***BEREC, supported by ODN,*** should play a central coordination role as regards resilience in the electronic communications sector, drawing on ***the*** expertise ***of national regulatory authorities***, ***their*** market oversight and ***a*** Union-wide perspective. As such, ***BEREC*** should exchange and coordinate with national regulatory authorities, ***ENISA,*** the Commission and other relevant Union bodies and agencies, as well as, where appropriate, international organisations such as NATO, on issues relating to Union-level assessment, monitoring, analysis and preparedness of electronic communications networks and services and their capability to contribute to the overall resilience of Union society and economy, while fully respecting the roles of ENISA, the Network and Information Systems Cooperation Group ('NIS Cooperation Group') and the European cyber crisis liaison organisation network ('EU-CyCLONe') under the Union cybersecurity and civil protection frameworks. ***The measures under this Regulation should complement, and avoid duplicating, existing national and Union plans and mechanisms on cybersecurity, resilience and crisis management.***

[16] Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, p. 80, ELI: http://data.europa.eu/eli/dir/2022/2555/oj).

Or. en

Amendment 12

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) In this context, the ODN should be tasked with ensuring a coherent, cross-border approach for electronic communications networks and services. ***The ODN's*** role should complement and be without prejudice to Directive (EU) 2022/2555, focusing on a system-wide preparedness, interchangeable infrastructures, trans-European network and services continuity and coordinated crisis response.	(27) In this context, ***BEREC, supported by*** the ODN***,*** should be tasked with ensuring a coherent, cross-border approach for electronic communications networks and services. ***That*** role should complement and be without prejudice to Directive (EU) 2022/2555 ***and (EU) 2022/2557***, focusing on a system-wide preparedness, interchangeable infrastructures, trans-European network and services continuity and coordinated crisis response.

Or. en

Amendment 13

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) In the Union, when natural or man-made disruptions, crises or force majeure arise that may negatively affect the population, the availability and specific capabilities of electronic communications networks and services are crucial as they enable the population to receive timely information, maintain social and economic interactions, and access public and emergency-related services, and enable national authorities to communicate with the population and to organise rescue and relief efforts. Without prejudice to ***Directive*** (EU) 2022/2555, all providers of public electronic communications	(28) In the Union, when natural or man-made disruptions, crises or force majeure arise that may negatively affect the population, the availability and specific capabilities of electronic communications networks and services are crucial as they enable the population to receive timely information, maintain social and economic interactions, and access public and emergency-related services, and enable national authorities to communicate with the population and to organise rescue and relief efforts. Without prejudice to ***Directives*** (EU) 2022/2555 ***and (EU) 2022/2557*** , all providers of public

networks, publicly available electronic communications services and other providers under the general authorisation regime should therefore adopt measures to contribute to ensuring the availability of interpersonal communications services and internet access services when such events arise. Providers of electronic communications networks used, wholly or mainly, for the purpose of providing electronic communications services or information society services available to the public, such as submarine communication cables, could ensure redundancy in such critical situations. They should to the extent it is technically possible and as far as public interest is served, cooperate and contribute to the availability of interpersonal communications services and internet access services, if the publicly available electronic communications networks and services are critically disrupted by the aforementioned large-scale events.

electronic communications networks, publicly available electronic communications services and other providers under the general authorisation regime should therefore adopt measures to contribute to ensuring the availability of interpersonal communications services and internet access services when such events arise. Providers of electronic communications networks used, wholly or mainly, for the purpose of providing electronic communications services or information society services available to the public, such as submarine communication cables, could ensure redundancy in such critical situations. They should to the extent it is technically possible and as far as public interest is served, cooperate and contribute to the availability of interpersonal communications services and internet access services, if the publicly available electronic communications networks and services are critically disrupted by the aforementioned large-scale events.

Or. en

Amendment 14

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) Before significant changes in the networks used to provide access to emergency services are implemented, providers of interpersonal communications services and public safety answering points (‘PSAPs’) should take all necessary steps, including testing and validation of solutions in order to ensure the continued availability and accessibility of emergency communications and caller location information for end-users and to ensure the continued possibility to send public	(30) Before significant changes in the networks used to provide access to emergency services are implemented, providers of interpersonal communications services and public safety answering points (‘PSAPs’) should take all necessary steps, including testing and validation of solutions in order to ensure the continued availability and accessibility of emergency communications and caller location information for end-users and to ensure the continued possibility to send public

warnings to end-users. Electronic communications networks and service ***providers*** should ***present to*** the competent authorities of the Member State a roadmap indicating the process of migration, and containing sufficient information to assess the risk posed to the availability of emergency communications services and the potentially affected end-users. Such a roadmap should be provided in order to inform in a timely manner the users of electronic communications services relying on the current technology and to allow them to prepare for, or adapt to, the new technologies and avoid the discontinuation of the electronic communications services on the devices they are using.

warnings to end-users. ***Where the migration to other network technologies may have a material impact on the continuity of emergency services or result in the permanent discontinuation of services on end-user devices currently in use, providers of public*** electronic communications networks and ***of publicly available electronic communications*** service should ***inform the*** the competent authorities of the Member State ***and the end-users with whom they have contractual relations at least three years in advance and present to the national competent authorities*** a roadmap indicating the process of migration, and containing sufficient information to assess the risk posed to the availability of emergency communications services and the potentially affected end-users. Such a roadmap should be provided in order to inform in a timely manner the users of electronic communications services relying on the current technology and to allow them to prepare for, or adapt to, the new technologies and avoid the discontinuation of the electronic communications services on the devices they are using. ***The national competent authority should assess the roadmap within six months and, where necessary, be able to impose on the providers concerned mitigation measures, in particular regarding the information to be provided to affected end-users, before the discontinuation takes place. Affected end-users should be directly informed of the specific impact of the migration on their ability to access emergency services, including through the single European emergency number '112', using their existing terminal equipment.***

Or. en

Amendment 15

Proposal for a regulation
Recital 32

Text proposed by the Commission	*Amendment*
(32) In order to ensure the effective preparedness of electronic communications networks and digital infrastructure, as well as the uninterrupted provision of electronic communications services, including in situations of natural or man-made disasters, crises or force majeure, and relying on resilient national and cross-border interconnections, the role of BEREC at Union level in the areas of preparedness and crisis management should be strengthened. In this regard, BEREC should complement Union-level efforts to ensure a high level of preparedness and resilience by adopting a report titled 'Union Preparedness Plan for Digital Infrastructures' (the 'Plan'), prepared by the ODN. The Plan should consist of ***a comprehensive*** assessment, operational recommendations and crisis management practices. These should ensure a consistent approach to resilience across the Union including to funding mechanisms ensuring redundancy and enhancing Union-level preparedness for crisis.	(32) In order to ensure the effective preparedness of electronic communications networks and digital infrastructure, as well as the uninterrupted provision of electronic communications services, including in situations of natural or man-made disasters, crises or force majeure, and relying on resilient national and cross-border interconnections, the role of BEREC at Union level in the areas of preparedness and crisis management should be strengthened. In this regard, BEREC should complement Union-level efforts to ensure a high level of preparedness and resilience by adopting a report titled 'Union Preparedness Plan for Digital Infrastructures' (the 'Plan'), prepared by ***BEREC with assistance of*** the ODN ***and in close coperation with ENISA, the Commission and the NIS Cooperation Group***. The Plan should consist of ***an*** assessment, operational recommendations and crisis management practices***. This should include cross-border elements of the specific network segments such as international interconnections, aggregation networks, core and backbone networks, submarine communication cables, including their cable landing stations, satellite networks integrated with terrestrial networks which are capable of providing back-up service in the event of unavailability of any of these networks, content delivery networks or networks connecting large data centre facilities***. These should ensure a consistent approach to resilience across the Union including to funding mechanisms ensuring redundancy and enhancing Union-level preparedness for crisis. ***Member States and the Commission should duly take into account the recommendations contained***

in the Plan and ensure that adequate resources are mobilised, in particular under the multiannual financial framework, to strengthen the security and resilience of networks.

Or. en

Amendment 16

Proposal for a regulation
Recital 33

Text proposed by the Commission	*Amendment*
(33) The BEREC template for collection of data on resilience of electronic communications networks and services, which should support the preparation of the Plan, should include information about capacity, architecture, capabilities and usage of network segments, which are considered key to ensuring overall resilience and continuity of services at Union scale***. This should notably include specific network segments such as international interconnections, aggregation networks, core and backbone networks, submarine communication cables, including their cable landing stations, satellite networks integrated with terrestrial networks which are capable of providing back-up service in the event of unavailability of any of these networks, content delivery networks or networks connecting large data centre facilities***. Where information which is classified in accordance with Union law or national law needs to be exchanged, reported or otherwise shared under this Regulation, the rules on the handling of classified information should be applied. Where appropriate, non-classified summaries enabling operational coordination should be allowed to be shared in parallel.	(33) The BEREC template for collection of data on resilience of electronic communications networks and services, which should support the preparation of the Plan, should include information about ***the cross-border elements of the*** capacity, architecture, capabilities and usage of network segments, which are considered key to ensuring overall resilience and continuity of services at Union scale. Where information which is classified in accordance with Union law or national law needs to be exchanged, reported or otherwise shared under this Regulation, the rules on the handling of classified information should be applied. Where appropriate, non-classified summaries enabling operational coordination should be allowed to be shared in parallel. ***In order to avoid duplication of reporting obligations, national regulatory authorities should not request information that has already been submitted by providers pursuant to Directive (EU) 2022/2555 or other applicable Union law, and should collect the information in a manner that allows the simultaneous fulfilment of their information-gathering obligations under this Regulation.***

Or. en

Amendment 17

Proposal for a regulation
Recital 34

Text proposed by the Commission	*Amendment*
(34) Furthermore, the ODN should contribute, at Union level, to the monitoring, analysis and synthesis of information on architecture, capacity, technical capabilities and resilience of electronic communications networks, and support coordination efforts aimed at ensuring the availability and increased capabilities of electronic communications networks and services during natural or man-made disruptions, crises or force majeure, while fully respecting the national crisis response coordination frameworks. This could include, for instance, identification of areas where redundancy is needed, informing strategic policy and investments decisions to support redundancy, in particular for trans-European digital networks and related future funding programmes, such as proposed as part of the digital window of the European Competitiveness Fund under the multiannual financial framework. The ***BEREC comprehensive*** assessment prepared by ***the ODN*** should also provide an overview of reserve network capacities, as well as an overview of existing and emerging mechanisms for traffic prioritisation, including network slicing and other network management and network optimisation solutions which protect and secure communications. Such mechanisms play an important role in ensuring the continuity of essential communications networks and services during situations of increased demand, network congestion, or other communication disruptions, which may occur during crises.	(34) Furthermore, ***BEREC, supported by*** the ODN***,*** should contribute, at Union level, to the monitoring, analysis and synthesis of information on architecture, capacity, technical capabilities and resilience of electronic communications networks, and support coordination efforts aimed at ensuring the availability and increased capabilities of electronic communications networks and services during natural or man-made disruptions, crises or force majeure, while fully respecting the national crisis response coordination frameworks. This could include, for instance, identification of areas where redundancy is needed, ***the assessment of potential dependencies on non-EU actors, their products or components,*** informing strategic policy and investments decisions to support redundancy, in particular for trans-European digital networks and related future funding programmes, such as proposed as part of the digital window of the European Competitiveness Fund under the multiannual financial framework. The assessment prepared by ***BEREC*** should also provide an overview of reserve network capacities, as well as an overview of existing and emerging mechanisms for traffic prioritisation, including network slicing and other network management and network optimisation solutions which protect and secure communications. Such mechanisms play an important role in ensuring the continuity of essential communications networks and services during situations of increased demand, network congestion, or other communication disruptions, which may

occur during crises.

Or. en

Amendment 18

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) The Union's resilience increasingly depends on future-proof connectivity and reduced strategic dependencies. This calls for a forward-looking approach that strengthens the ability of terrestrial and non-terrestrial (satellite) networks to interconnect and operate seamlessly, including in crisis situations. Resilience can be enhanced through integrated, layered network architectures combining terrestrial networks with non-terrestrial networks ('NTNs'), supported by virtualisation, redundancy and automated network management. Such integration can maintain essential communications where terrestrial infrastructure is damaged or congested and strengthen overall continuity of service. In this context, ***the ODN*** should participate in market monitoring and technological developments, identify bottlenecks to interoperability and deployment (including between terrestrial and NTN systems and for emerging technologies), and provide recommendations to support a coherent Union-level approach to resilient connectivity.	(36) The Union's resilience increasingly depends on future-proof connectivity and reduced strategic dependencies. This calls for a forward-looking approach that strengthens the ability of terrestrial and non-terrestrial (satellite) networks to interconnect and operate seamlessly, including in crisis situations. Resilience can be enhanced through integrated, layered network architectures combining terrestrial networks with non-terrestrial networks ('NTNs'), supported by virtualisation, redundancy and automated network management. Such integration can maintain essential communications where terrestrial infrastructure is damaged or congested and strengthen overall continuity of service. In this context, ***BEREC*** should participate in market monitoring and technological developments, identify bottlenecks to interoperability and deployment (including between terrestrial and NTN systems and for emerging technologies), and provide recommendations to support a coherent Union-level approach to resilient connectivity.

Or. en

Amendment 19

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*
(37) ***The ODN*** should be able, where appropriate, and in cooperation with relevant bodies and competent authorities, to analyse the threat landscape which the Union electronic communications networks and services are increasingly exposed to. This includes, among others, incidents of harmful radio spectrum interference. Such incidents have increased in recent years in a context of heightened geopolitical tensions and may affect the availability and quality of services, often with cross-border implications. In this context, ***the ODN*** should analyse such trends and support competent authorities by ***issuing*** operational recommendations. This role should complement national responsibilities and contribute to a coordinated Union-level response.	(37) ***BEREC*** should be able, where appropriate, and in cooperation with relevant bodies and competent authorities, to analyse the threat landscape which the Union electronic communications networks and services are increasingly exposed to. This includes, among others, incidents of harmful radio spectrum interference. Such incidents have increased in recent years in a context of heightened geopolitical tensions and may affect the availability and quality of services, often with cross-border implications. In this context, ***BEREC*** should analyse such trends and support competent authorities by ***including relevant*** operational recommendations ***in the Plan***. This role should complement national responsibilities and contribute to a coordinated Union-level response.

Or. en

Amendment 20

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) Under Directive (EU) 2018/1972, Member States are able to subject the right of providers of public electronic communications networks and services only to a rather flexible general authorisation regime. The ***objective is to stimulate the development of new networks and services while allowing service providers and consumers to benefit from the economies of scale of the internal market. This Regulation supports this objective and maintains the freedom to provide electronic communications networks and services under*** general authorisation ***in the Union***.	(39) Under Directive (EU) 2018/1972, Member States are able to subject the right of providers of public electronic communications networks and services only to a rather flexible general authorisation regime. The ***evaluation of Directive (EU) 2018/1972 has revealed, however, that the lack of a single and coordinated*** general authorisation***, largely developed and implemented at national level and the absence of a uniform and coherent approach to the conditions applicable as well as the notification procedures despite the BEREC harmonised, non-mandatory template, led***

to regulatory fragmentation and to increased barriers for operators to scale up and operate cross border.

Or. en

Justification

Amendments 39 and 41 are merged to simplify the text, avoid duplication and ensure a clearer, more coherent provision.

Amendment 21

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) The general authorisation system currently in place is based on a harmonised but maximum list of conditions that kept the flexibility of the Member States to decide which general authorisation conditions to attach to the general authorisation within their territories, how to further specify them at national level and the possibility to require providers to submit to the national regulatory authority or other competent authorities a notification indicating their intention to start providing the services. The notification was intended to have a declaratory nature and no explicit decision or administrative act by the national regulatory authority was required.	***deleted***

Or. en

Amendment 22

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The evaluation of Directive (EU) 2018/1972 has revealed, however, that the lack of a single and coordinated general authorisation, largely developed and implemented at national level and the absence of a uniform and coherent approach to the conditions applicable as well as the notification procedures despite the BEREC harmonised, non-mandatory template, led to regulatory fragmentation and to increased barriers for operators to scale up and operate cross border.	***deleted***

Or. en

Amendment 23

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) To overcome the challenges ***posed*** by Directive (EU) 2018/1972 and enable providers to benefit fully from the internal market for electronic communications, it is necessary to introduce a modern general authorisation regime applicable to all types of electronic communications networks involved in the delivery of publicly available digital services and, with some exceptions, to publicly available electronic communications services.	(42) To overcome the challenges ***not addressed*** by Directive (EU) 2018/1972 and enable providers to benefit fully from the internal market for electronic communications, it is necessary to introduce a modern general authorisation regime applicable to all types of electronic communications networks involved in the delivery of publicly available digital services and, with some exceptions, to publicly available electronic communications services.

Or. en

Amendment 24

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) In relation to the providers of electronic communications networks, the general authorisation system should not apply to certain types of networks that do not have the main purpose to support the provision of publicly available electronic communication or digital services. Examples are networks mainly used for private, internal or closed, predetermined user group communications, including networks used only for internal links between communications infrastructure facilities not mainly intended for publicly available digital services. ***In relation to the provision of electronic communications services, number-independent interpersonal communications services should remain excluded from the scope of general authorisation. Contrary to other categories of electronic communications networks and services, number-independent interpersonal communications services do not benefit from the use of public numbering resources and do not participate in a publicly assured interoperable ecosystem. It is therefore appropriate to not subject those types of services to the general authorisation regime. However, number-independent interpersonal communications service providers may be subject to certain obligations under this Regulation.***	(43) In relation to the providers of electronic communications networks, the general authorisation system should not apply to certain types of networks that do not have the main purpose to support the provision of publicly available electronic communication or digital services. Examples are networks mainly used for private, internal or closed, predetermined user group communications, including networks used only for internal links between communications infrastructure facilities not mainly intended for publicly available digital services.

Or. en

Amendment 25

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) The general authorisation regime	(44) The general authorisation regime

should be subject to compliance with a shorter and updated list of fully harmonised conditions applicable in all Member States, as well as with some other conditions that stem from other Union law or national laws, but that are not yet fully harmonised, such as rules on access to data by law enforcement and judicial authorities, including on lawful interception and data retention and ICT supply chain security requirements in accordance with cybersecurity rules, including the Cybersecurity Act ***which is to replace Regulation (EU) 2019/881 of the European Parliament and of the Council***[17] .

[17] Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15, ELI: http://data.europa.eu/eli/reg/2019/881/oj).

should be subject to compliance with a shorter and updated list of fully harmonised conditions applicable in all Member States, as well as with some other conditions that stem from other Union law or national laws, but that are not yet fully harmonised, such as rules on access to data by law enforcement and judicial authorities, including on lawful interception and data retention and ICT supply chain security requirements in accordance with cybersecurity rules, including the Cybersecurity Act ***2***.

[17] Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15, ELI: http://data.europa.eu/eli/reg/2019/881/oj).

Or. en

Amendment 26

Proposal for a regulation
Recital 45

Text proposed by the Commission	*Amendment*
(45) Furthermore, providers subject to a general authorisation should submit a notification to the ***national regulatory authority of the Member State in which*** they intend to ***start the provision of*** electronic communications networks or services ***or where such networks or services are already provided. They*** should ***also be allowed to submit only one***	(45) Furthermore, providers subject to a general authorisation should submit a notification to the ***ODN when*** they intend to ***provide, or to cease to provide,*** electronic communications networks or services***. The ODN*** should ***transmit the*** notification ***without undue delay to the national regulatory authorities of the*** Member States ***where the provider intends***

notification ***to one Member State in case they intend to provide networks or services in one or several*** Member States ***under the Single Passport regime***. Satellite systems should not be subject to the Single Passport, but to a specific procedure at Union level.

to operate, which should be the authorities responsible for handling the general authorisation. Satellite systems should not be subject to the Single Passport, but to a specific procedure at Union level.

Or. en

Amendment 27

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) The notification should use a mandatory ***template made available by*** BEREC. It should consist of a declaration by a natural or legal person to the ***national regulatory authority*** of the intention to start the provision of electronic communications networks or services and the submission of limited information further specified by the ***related BEREC template*** including identity, contact and business details, information about the networks or services intended to be provided and their geographical area of availability as well as the estimated date for starting the activity.	(46) The notification should use a mandatory ***multilingual notification form in accordance with*** BEREC ***guidelines, incorporated in the Union Digital Notifications Platform ("the Platform") set up by the ODN***. It should consist of a declaration by a natural or legal person to the ***ODN*** of the intention to start ***or cease*** the provision of electronic communications networks or services and the submission of limited information further specified by the ***notification form*** including identity, contact and business details, information about the networks or services intended to be provided and their geographical area of availability as well as the estimated date for starting the activity.

Or. en

Amendment 28

Proposal for a regulation
Recital 47

Text proposed by the Commission	*Amendment*
(47) National regulatory authorities	(47) National regulatory authorities

should not impose additional or separate notification requirements. In this regard, national regulatory authorities should not require any additional documents as part of the general authorisation that are not contained in ***BEREC's*** notification ***template***. ***Notification requirements and updates of such requirements should be kept to the minimum.***

should not impose additional or separate notification requirements. In this regard, national regulatory authorities should not require any additional documents as part of the general authorisation that are not contained in ***the*** notification ***form***.

Or. en

Amendment 29

Proposal for a regulation
Recital 48

Text proposed by the Commission	*Amendment*
(48) To encourage the provision of cross-border networks and services, providers should be allowed to submit the notification in any official language of the Union ***or at least in English***.	(48) To encourage the provision of cross-border networks and services, providers should be allowed to submit the notification in any official language of the Union.

Or. en

Amendment 30

Proposal for a regulation
Recital 49

Text proposed by the Commission	*Amendment*
(49) To contribute to the digitalisation objectives of the Union, ***all national regulatory authorities should accept*** notifications online***, for example, via an entry point at the website of the relevant authority and, where mandated,*** through ***harmonised digital solutions such as business wallets,*** and should not ***require*** providers ***to use digital certificates limited to the national territory that are not mutually recognised in other Member***	(49) To contribute to the digitalisation objectives of the Union, notifications ***should be only submitted*** online through ***the Platform*** and should not ***entail administrative costs for the*** providers ***concerned***.

States and that are not in accordance with the minimum requirements established in Commission Decision 2011/130/EU[18] for the cross-border processing of documents signed electronically by competent authorities. For the same reason, providers should not be required to have national representatives to interact with national authorities. In their exchange of information or documents by electronic means, public authorities should fulfil the requirements set out in Regulation (EU) 2024/903 of the European Parliament and of the Council[19] .

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[18] Commission Decision 2011/130/EU of 25 February 2011 establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 80, 19.3.2014, p. 7, ELI: http://data.europa.eu/eli/dec/2011/130(1)/oj).

[19] Regulation (EU) 2024/903 of the European Parliament and of the Council of 13 March 2024 laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) (OJ L, 2024/903, 22.3.2024, ELI:.http://data.europa.eu/eli/reg/2024/903/oj)

Or. en

Justification

Amendments 49 and 50 have been merged into a single amendment to remove redundant wording and simplify the text.

Amendment 31

Proposal for a regulation
Recital 50

Text proposed by the Commission	*Amendment*
(50) Competent authorities should not impede the provision of electronic communications networks or services in any way, including on grounds of incompleteness of a notification. The notification to start their activities should not entail administrative costs for the providers of electronic communications networks or services.	***deleted***

Or. en

Amendment 32

Proposal for a regulation
Recital 51

Text proposed by the Commission	*Amendment*
(51) In order to support effective cross-border coordination, the ODN should maintain a central database of all notifications***. Competent*** authorities should ***transmit only complete*** notifications ***to the ODN***.	(51) In order to support effective cross-border coordination, the ODN should maintain***, through the Platform,*** a central database of all notifications ***and keep it up to date. For that purpose, national regulatory*** authorities should ***inform the ODN of the*** notifications ***made under Directive (EU) 2018/1972***.

Or. en

Amendment 33

Proposal for a regulation
Recital 52

Text proposed by the Commission	*Amendment*
(52) Following the notification, ***national***	(52) Following the notification, ***the***

regulatory authorities should confirm to the provider by electronic means the ***start of the provision of*** networks or services describing the conditions, rights and obligations applicable in the ***Member State or*** Member States where the provider intends to provide the networks or services. When the provider has notified its intention to provide networks or services only within the territory of one Member State, it should comply with the harmonised general authorisation conditions and, as regards any specificities, the conditions applicable in the jurisdiction of that Member State.

ODN should confirm to the provider by electronic means the ***authorisation to provide*** networks or services describing the conditions, rights and obligations applicable in ***each of*** the Member States where the provider intends to provide the networks or services. When the provider has notified its intention to provide networks or services only within the territory of one Member State, it should comply with the harmonised general authorisation conditions and, as regards any specificities, the conditions applicable in the jurisdiction of that Member State. ***The provider should be able to exercise the rights derived from the general authorisation and start the activity upon the notification, without being required to obtain a decision or any other administrative act by any regulatory authority of the Member State in which it intends to operate.***

Or. en

Amendment 34

Proposal for a regulation
Recital 53

Text proposed by the Commission	*Amendment*
(53) The confirmation ***that providers can start their activities*** should include information about the rights and obligations of undertakings under the general authorisation. Providers might need such confirmation, for example to apply for rights of use for radio spectrum or numbering resources, obtain access or interconnection and rights to install facilities, including rights of way, in particular to facilitate negotiations with other, regional or local, levels of government or with service providers in other Member States. If a provider so requests, it should also be possible to	(53) The confirmation ***of the authorisation to provide networks or services*** should include information about the rights and obligations of undertakings under the general authorisation. Providers might need such confirmation, for example to apply for rights of use for radio spectrum or numbering resources, obtain access or interconnection and rights to install facilities, including rights of way, in particular to facilitate negotiations with other, regional or local, levels of government or with service providers in other Member States. If a provider so requests, it should also be possible to

provide the confirmation in the form of a declaration. Such declarations should not by themselves constitute entitlements to rights, nor should any rights under the general authorisation, rights of use or the exercise of such rights depend upon a declaration. A declaration should serve as a confirmation or proof to other national or regional authorities that the provider is authorised under this Regulation.	provide the confirmation in the form of a declaration. Such declarations should not by themselves constitute entitlements to rights, nor should any rights under the general authorisation, rights of use or the exercise of such rights depend upon a declaration. A declaration should serve as a confirmation or proof to other national or regional authorities that the provider is authorised under this Regulation.

Or. en

Amendment 35

Proposal for a regulation
Recital 54

Text proposed by the Commission	*Amendment*
(54) When granting rights of use for radio spectrum, for numbering resources or rights to install facilities, the national regulatory authorities should inform the undertakings to which they grant such rights of the relevant conditions for the use of radio spectrum in individual rights of use ***or in the confirmation for operations under a general authorisation***.	(54) When granting rights of use for radio spectrum, for numbering resources or rights to install facilities, the national regulatory authorities should inform the undertakings to which they grant such rights of the relevant conditions for the use of radio spectrum in individual rights of use.

Or. en

Amendment 36

Proposal for a regulation
Recital 56

Text proposed by the Commission	*Amendment*
(56) In the case of electronic communications networks not provided to the public, it is appropriate to impose fewer and less strict obligations, if any, than those that are justified for electronic communications networks and services	(56) In the case of electronic communications networks not provided to the public, it is appropriate to impose fewer and less strict obligations, if any, than those that are justified for electronic communications networks and services

provided to the public. However, they remain bound, among others, by obligations related to public interest such as for network resilience, preparedness, cybersecurity, lawful interception and data retention in accordance with this Regulation or other applicable Union or national legislation which complies with Union law. ***Although not subject to general authorisation under this Regulation, such obligations may be imposed on providers of number-independent interpersonal communications services.***	provided to the public. However, they remain bound, among others, by obligations related to public interest such as for network resilience, preparedness, cybersecurity, lawful interception and data retention in accordance with this Regulation or other applicable Union or national legislation which complies with Union law.

Or. en

Amendment 37

Proposal for a regulation
Recital 57

Text proposed by the Commission	*Amendment*
(57) The Single Passport procedure should facilitate the provision of electronic communications networks and services across Member States. The procedure should end by a confirmation to the provider ***to start provision*** of networks or services. It should be possible to issue additional declarations, but only upon request by a provider and following the BEREC guidelines on general authorisation. For example, where needed, under the Single Passport confirmation the provider may ask through the ODN for a declaration describing under which circumstances the provider of electronic communications networks or services under general authorisation has the right to apply for rights to install facilities, negotiate interconnection, and obtain access to interconnection, in order to facilitate the exercise of those rights, for instance, at other public authorities or in relation to other undertakings. Such	(57) The Single Passport procedure should facilitate the provision of electronic communications networks and services across Member States. The procedure should end by a confirmation ***by the ODN*** to the provider ***of the authorisation to provide*** of networks or services. It should be possible to issue additional declarations, but only upon request by a provider and following the BEREC guidelines on general authorisation. For example, where needed, under the Single Passport confirmation the provider may ask through the ODN for a declaration describing under which circumstances the provider of electronic communications networks or services under general authorisation has the right to apply for rights to install facilities, negotiate interconnection, and obtain access to interconnection, in order to facilitate the exercise of those rights, for instance, at other public authorities or in relation to other undertakings. Such

declarations could describe the criteria and procedure regarding the specific obligations on individual undertakings and should be provided through the ODN by the national regulatory authority of the Member State where networks or services will be provided and upon request by the provider. The BEREC guidelines should specify the details about the possibility to request such declaration.	declarations could describe the criteria and procedure regarding the specific obligations on individual undertakings and should be provided through the ODN by the national regulatory authority of the Member State where networks or services will be provided and upon request by the provider. The BEREC guidelines should specify the details about the possibility to request such declaration.

Or. en

Amendment 38

Proposal for a regulation
Recital 58

Text proposed by the Commission	*Amendment*
(58) It is important to ensure the effectiveness of the Single Passport regime. Therefore, national regulatory authorities or other competent authorities of the Member States should be required to cooperate among themselves to support BEREC and the ODN in developing and updating of guidelines and information resources on the harmonised application of general authorisation conditions in the Member States. For this purpose, Member States should ***designate*** national ***single contact points***.	(58) It is important to ensure the effectiveness of the Single Passport regime. Therefore, national regulatory authorities or other competent authorities of the Member States should be required to cooperate among themselves to support BEREC and the ODN in developing and updating of guidelines and information resources on the harmonised application of general authorisation conditions in the Member States. For this purpose, Member States should ***ensure that*** national ***regulatory authorities are tasked with communicating with the ODN and with maintaining up-to-date information about the national legislation and procedures applicable to the provision of electronic communications networks and services***.

Or. en

Amendment 39

Proposal for a regulation
Recital 59

Text proposed by the Commission	*Amendment*
(59) The full benefit of the Single Passport regime can only be achieved if national specificities related to the general authorisation conditions are reduced to a minimum. This also applies to rules that are not part of the DNA such as in the areas of cybersecurity or law enforcement. The BEREC guidelines should therefore identify areas where further alignment between national rules or their implementation is necessary. These elements should serve as basis for follow-up by the Commission, competent Union bodies, or other expert groups for dealing with these rules. To support these activities, the ***designated*** national ***single contact points*** should cooperate closely with the ODN and with each other, on general authorisation conditions related to national legislation and procedures, in compliance with Union law, applicable to the provision of electronic communications networks and services, in particular related to cybersecurity or law enforcement.	(59) The full benefit of the Single Passport regime can only be achieved if national specificities related to the general authorisation conditions are reduced to a minimum. This also applies to rules that are not part of the DNA such as in the areas of cybersecurity or law enforcement. The BEREC guidelines should therefore identify areas where further alignment between national rules or their implementation is necessary ***to reduce the fragmentation of the internal market, and should be regularly reviewed and updated for that purpose***. These elements should serve as basis for follow-up by the Commission, competent Union bodies, or other expert groups for dealing with these rules. To support these activities, the national ***regulatory authorities*** should cooperate closely with the ODN and with each other, on general authorisation conditions related to national legislation and procedures, in compliance with Union law, applicable to the provision of electronic communications networks and services, in particular related to cybersecurity or law enforcement.

Or. en

Amendment 40

Proposal for a regulation
Recital 60

Text proposed by the Commission	*Amendment*
(60) In particular, the ***designated*** national ***single contact points*** should communicate to the ODN any specificities regarding the national implementation of the harmonised general authorisation conditions in their respective Member States, as well as any national procedures	(60) In particular, the national ***regulatory authorities*** should communicate to the ODN any specificities regarding the national implementation of the harmonised general authorisation conditions in their respective Member States, as well as any national procedures

put in place to make effective the general authorisation conditions. Where in a Member State there are different authorities responsible for the enforcement of the general authorisation conditions, those national authorities should work closely with ***the designated single contact points***.	put in place to make effective the general authorisation conditions. Where in a Member State there are different authorities responsible for the enforcement of the general authorisation conditions, those national authorities should work closely with ***other competent authorities***.

Or. en

Amendment 41

Proposal for a regulation
Recital 61

Text proposed by the Commission	*Amendment*
(61) The ***designated*** national ***single contact points*** should also provide mutual assistance with regard to enforcement of the general authorisation conditions in line with the BEREC guidelines.	(61) The national ***regulatory authorities*** should also ***cooperate with each other and*** provide mutual assistance with regard to enforcement of the general authorisation conditions in line with the BEREC guidelines.

Or. en

Amendment 42

Proposal for a regulation
Recital 62

Text proposed by the Commission	*Amendment*
(62) The national regulatory ***authority*** of the Member ***State of notification*** should have the power to impose penalties for ***the*** breach of the ***general*** authorisation conditions***, provided that the national regulatory authority where networks or services are provided has not already imposed penalties for the breach of the same conditions***. Penalties should be imposed in accordance with national law and could include, in case of serious	(62) ***Under the Single Passport procedure,*** the national regulatory ***authorities*** of the Member ***States where the networks or services are provided should remain competent to enforce the general authorisation and*** should have the power to impose penalties for breach of the authorisation conditions ***within their Member State***. Penalties should be imposed in accordance with national law and could include, in case of serious

breach, ***and where necessary after consultation with the regulatory authorities of the affected Member States,*** the withdrawal of the right to provide networks and services ***in all the Member States covered by the Single Passport***. A serious breach could be found, for example, where non-compliance with one or more general authorisation conditions persists despite the remedial actions undertaken by the national regulatory authority or other competent authority. ***Only in exceptional cases, when a national regulatory authority of the Member State where the networks or services are provided concluded that the breach of the authorisation conditions may have a negative impact in its territory on the grounds of national security or public interest, it should have the right to impose penalties within its jurisdiction. Such exceptional enforcement measure should be taken in coordination with the relevant competent authorities of the Member State of notification.***	breach, the withdrawal of the right to provide networks and services. A serious breach could be found, for example, where non-compliance with one or more general authorisation conditions persists despite the remedial actions undertaken by the national regulatory authority or other competent authority.

Or. en

Amendment 43

Proposal for a regulation
Recital 63

Text proposed by the Commission	*Amendment*
(63) ***As an exception,*** in the case of machine-to-machine services with extraterritorial use of numbering resources, relevant rules of the Member State ***of notification*** should apply.	(63) In the case of machine-to-machine services with extraterritorial use of numbering resources, relevant rules of the Member State ***where the rights of use for the numbering resources have been provided*** should apply.

Or. en

Amendment 44

Proposal for a regulation
Recital 65

Text proposed by the Commission	*Amendment*
(65) It should be possible to impose administrative charges on undertakings providing electronic communications services in order to finance the activities of the national regulatory authority or other competent authorities in managing the general authorisation system and the granting of rights of use. Such charges should be limited to cover the actual administrative costs for those activities ***and*** should ***not be imposed on*** small providers. To that end, transparency should be ensured in the income and expenditure of national regulatory authorities and other competent authorities by means of annual reporting about the total sum of charges collected and the administrative costs incurred, in order to allow undertakings to verify that they are in balance.	(65) It should be possible to impose administrative charges on undertakings providing electronic communications services in order to finance the activities of the national regulatory authority or other competent authorities in managing the general authorisation system and the granting of rights of use. Such charges should be limited to cover the actual administrative costs for those activities***. Member States*** should ***be able to choose not to apply such charges to*** small providers. To that end, transparency should be ensured in the income and expenditure of national regulatory authorities and other competent authorities by means of annual reporting about the total sum of charges collected and the administrative costs incurred, in order to allow undertakings to verify that they are in balance.

Or. en

Amendment 45

Proposal for a regulation
Recital 66

Text proposed by the Commission	*Amendment*
(66) Systems for administrative charges should not distort competition or create barriers to market entry. A general authorisation system renders it impossible to attribute administrative costs and hence charges to individual undertakings, except for the granting of rights of use for numbering resources, radio spectrum and for rights to install facilities. An example of a fair, simple and transparent alternative	(66) Systems for administrative charges should not distort competition or create barriers to market entry. A general authorisation system renders it impossible to attribute administrative costs and hence charges to individual undertakings, except for the granting of rights of use for numbering resources, radio spectrum and for rights to install facilities. An example of a fair, simple and transparent alternative

for those charge attribution criteria could be a turnover related distribution key. Where administrative charges are very low, flat rate charges, or charges combining a flat rate basis with a turnover related element could also be appropriate. To the extent that the general authorisation system extends to undertakings with very small market shares, such as community-based network providers, or to service providers the business model of which generates very limited revenues even in the case of significant market penetration in terms of volumes, Member States should establish an appropriate de minimis threshold for the imposition of administrative charges.

for those charge attribution criteria could be a turnover related distribution key. Where administrative charges are very low, flat rate charges, or charges combining a flat rate basis with a turnover related element could also be appropriate. To the extent that the general authorisation system extends to undertakings with very small market shares, such as community-based network providers, or to service providers the business model of which generates very limited revenues even in the case of significant market penetration in terms of volumes, Member States should ***be able to*** establish an appropriate de minimis threshold for the imposition of administrative charges.

Or. en

Amendment 46

Proposal for a regulation
Recital 69

Text proposed by the Commission	*Amendment*
(69) Due to the development of new wireless technologies and applications, demand for radio spectrum is growing, not just in the area of electronic communications, such as for providing citizens and businesses with ubiquitous ***gigabit*** connectivity on the move, but also in other sectors relying on radio spectrum, such as transport, manufacturing, space and energy. To meet growing demand, an appropriate cross-sectorial approach to radio spectrum management is essential to ensure the efficient use of radio spectrum**.**	(69) Due to the development of new wireless technologies and applications, demand for radio spectrum is growing, not just in the area of electronic communications, such as for providing citizens and businesses with ubiquitous ***high-speed*** connectivity on the move, but also in other sectors relying on radio spectrum, such as transport, manufacturing, space and energy. To meet growing demand, an appropriate cross-sectorial approach to radio spectrum management is essential to ensure the efficient use of radio spectrum ***and to promote long-term investment and innovation in connectivity***

Or. en

Amendment 47

Proposal for a regulation
Recital 76 a (new)

Text proposed by the Commission	*Amendment*
	(76a) Holders of rights of use for radio spectrum in neighbouring Member States using the same or adjacent frequency bands should be entitled to conclude bilateral or multilateral inter-operator agreements to address cross-border coordination and mitigate harmful interference. Such agreements should comply with applicable international agreements and national frequency allocation plans, where they exist, and should not adversely affect existing rights of use or other spectrum users not party to the agreement, as well as, be validated by the relevant national competent authorities within one month of receipt. When resolving problems or disputes in relation to cross-border coordination or cross-border harmful interference, national competent authorities should take into account technical coordination arrangements between holders of rights of use for radio spectrum, without prejudice to the rights of holders that are not a party to those arrangements.

Or. en

Amendment 48

Proposal for a regulation
Recital 77

Text proposed by the Commission	*Amendment*
(77) Difficult harmful interference cases between Member States that cannot be solved by direct negotiations, notwithstanding the support of the RSPB, might require the imposition of binding	(77) Difficult harmful interference cases between Member States that cannot be solved by direct negotiations, notwithstanding the support of the RSPB, might require the imposition of binding

solutions adopted by the Commission, building on the RSPB's proposed solution, to resolve the case definitively or to enforce under Union law a coordinated solution. Such mechanism should apply under specific deadlines ensuring that there is no unjustified delay***, and propose appropriate solutions, including the withdrawal of any right that is at the source of the harmful interference situation and the right to damages***.	solutions adopted by the Commission, building on the RSPB's proposed solution, to resolve the case definitively or to enforce under Union law a coordinated solution. ***In its decision, the Commission should be able to request the competent authority of the Member State which granted the authorisation to the undertaking responsible for the interference to take appropriate and proportionate enforcement measures to prevent such interference, which may include the imposition of fines and, if necessary, the suspension or withdrawal of the relevant authorisation.*** Such mechanism should apply under specific deadlines ensuring that there is no unjustified delay.
	Or. en

Amendment 49

Proposal for a regulation
Recital 78

Text proposed by the Commission	*Amendment*
(78) Cross-border interference from third countries has become an increasingly alarming problem at the Union borders and a threat not only to the networks themselves, but also to Union security. For instance, interference to the Global Navigation Satellite System ('GNSS') close to armed conflict areas, such as at the eastern borders of the Union, has serious consequences to transportation, critical infrastructures, electronic communications and finance sectors, because modern infrastructure depends heavily on that system for precise positioning, navigation, and timing ('PNT') data. In such cases, it is not sufficient to rely on efforts at the ITU. There is a need to provide in Union law a solidarity mechanism to more effectively support affected Member States. Under	(78) Cross-border interference from third countries has become an increasingly alarming problem at the Union borders and a threat not only to the networks themselves, but also to Union security. For instance, interference to the Global Navigation Satellite System ('GNSS') close to armed conflict areas, such as at the eastern borders of the Union, has serious consequences to transportation, critical infrastructures, electronic communications and finance sectors, because modern infrastructure depends heavily on that system for precise positioning, navigation, and timing ('PNT') data. In such cases, it is not sufficient to rely on efforts at the ITU. There is a need to provide in Union law a solidarity mechanism to more effectively support affected Member States. Under

that solidarity mechanism, all Member States should be requested to act together and in line with particular actions defined by the Union together with the RSPB, and intervene alongside the Commission in supporting affected Member States. In the case of persistent and serious harmful interference cases violating international law, the Council ***may*** consider adopting restrictive measure under Article 29 TFEU in line with the objectives of the Common Foreign and Security Policy.

that solidarity mechanism, all Member States should be requested to act together and in line with particular actions defined by the Union together with the RSPB, and intervene alongside the Commission in supporting affected Member States. ***At the request of a national competent authority from an affected Member State, the Commission should be able to treat a cross-border interference issue involving a third country as a matter of Union interest and to initiate negotiations with that third country on behalf of the Union.*** In the case of persistent and serious harmful interference cases violating international law, the Council ***should*** consider adopting restrictive measure under Article 29 TFEU in line with the objectives of the Common Foreign and Security Policy. ***Any holder of a right of use for radio spectrum that has suffered damage as a result of cross-border harmful interference originating from another Member State, from outside the Union or from a satellite station should have the right to seek compensation for that damage before the courts of the Member State where it is located, from the undertaking responsible for the interference or from the country having granted the authorisation to that undertaking in breach of Union or international rules, and should be able to seek, if necessary with the assistance of the national competent authority, a recommendation of the ITU Radio Regulations Board.***

Or. en

Amendment 50

Proposal for a regulation
Recital 82

Text proposed by the Commission	*Amendment*
(82) While shared use of spectrum promotes its efficient use, it may not be appropriate in all circumstances. National competent authorities should be able to restrict or refrain from proposing the shared use of spectrum for reasons relating to competition and non-discriminatory market access, technical or economic feasibility, the need for exclusive spectrum use to safeguard public safety, national security, defence or the protection of essential services as defined in Directive (EU) 2022/2557 ***of the European Parliament and of the Council***[23] . This includes, where relevant, the deployment of key secure and critical communication systems for Europe, which may require predictable access to spectrum, enhanced resilience and assured performance that cannot be guaranteed under shared use. Any decision to limit or exclude shared used should be duly justified, proportionate, and based on objective criteria.	(82) While shared use of spectrum promotes its efficient use, it may not be appropriate in all circumstances. National competent authorities should be able to restrict or refrain from proposing the shared use of spectrum for reasons relating to competition and non-discriminatory market access, technical or economic feasibility, the need for exclusive spectrum use to safeguard public safety, national security, defence or the protection of essential services as defined in Directive (EU) 2022/2557***[23], or the need to preserve incentives for long-term investment and network deployment***. This includes, where relevant, the deployment of key secure and critical communication systems for Europe, which may require predictable access to spectrum, enhanced resilience and assured performance that cannot be guaranteed under shared use. Any decision to limit or exclude shared used should be duly justified, proportionate, and based on objective criteria.
[23] Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC (OJ L 333, 27.12.2022, p. 164, ELI: http://data.europa.eu/eli/dir/2022/2557/oj).	[23] Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC (OJ L 333, 27.12.2022, p. 164, ELI: http://data.europa.eu/eli/dir/2022/2557/oj).

Or. en

Amendment 51

Proposal for a regulation
Recital 86 a (new)

Text proposed by the Commission	*Amendment*
	(86a) In order to improve the efficiency

of radio spectrum use and to enable high quality, capacity and coverage of mobile broadband services to all, mobile broadband networks should be densified in compliance with Council Recommendation 1999/519/EC and relevant international guidelines and regulations. To that end, national radio spectrum roadmaps should include, where relevant, network densification measures covering urban and suburban areas and transport corridors, and national competent authorities should be able to attach to individual rights of use for radio spectrum conditions related to the densification of networks.

Or. en

Amendment 52

Proposal for a regulation
Recital 89

Text proposed by the Commission	*Amendment*
(89) In view to the implementation of the specific current and future Union policies relying on radio spectrum, timely identification of their radio spectrum needs is essential. Considering that, in order to increase regulatory predictability, the precise needs and timing for availability of radio spectrum should be known when such policies are being developed or adopted, the harmonised details of the specific bands involved and the coordinated rules for their availability and use should be specified for each case by the Commission in a ***strategic document adopted*** after consulting the RSPB***. A*** Union radio spectrum strategy should be adopted after each ITU World Radiocommunication Conference ('WRC') to provide, inter alia, transparency as to how the different WRC decisions will be incorporated in the Union legal order. The	(89) In view to the implementation of the specific current and future Union policies relying on radio spectrum, timely identification of their radio spectrum needs is essential. Considering that, in order to increase regulatory predictability, the precise needs and timing for availability of radio spectrum should be known when such policies are being developed or adopted, the harmonised details of the specific bands involved and the coordinated rules for their availability and use should be specified for each case by the Commission in a ***forward-looking, long-term Union radio spectrum strategy,*** after consulting the RSPB ***and stakeholders. That*** Union radio spectrum strategy should be adopted after each ITU World Radiocommunication Conference ('WRC') to provide, inter alia, transparency as to how the different WRC

aim of the radio spectrum strategy is to increase the transparency of radio spectrum related activity at Union level and enhance predictability for different competent authorities and market players.

decisions will be incorporated in the Union legal order. The aim of the radio spectrum strategy is to increase the transparency of radio spectrum related activity at Union level and enhance predictability for different competent authorities and market players.

Or. en

Amendment 53

Proposal for a regulation
Recital 90

Text proposed by the Commission	*Amendment*
(90) Union radio spectrum strategy could include operational radio spectrum roadmaps defining specific milestones and deadlines for the availability and authorisation of radio spectrum ***which are to be established through Commission implementing acts when the specific circumstances and needs for radio spectrum are known***. When adopting the Union radio spectrum strategy and roadmaps, the Commission should take into consideration Union policy objectives, such as the need to safeguard the Union's strategic autonomy, including common security and defence needs, the Digital Decade connectivity targets, in particular for 5G and advanced wireless networks, the completion of the single market and the need to meet specific technological or quality requirements for cross-border services. In particular, such Union spectrum strategy should identify spectrum (parts of spectrum/bands) which Member States should make available under harmonised procedures and conditions for the purpose of serving Union common security and defence policy. The Commission should also take into account that radio spectrum is a public good with an important social, cultural and economic	(90) Union radio spectrum strategy could include operational radio spectrum roadmaps defining specific milestones***, indicative timelines for technical harmonisation*** and deadlines for the availability and authorisation of radio spectrum. When adopting the Union radio spectrum strategy and roadmaps, the Commission should take into consideration Union policy objectives, such as the need to safeguard the Union's strategic autonomy, including common security and defence needs, the Digital Decade connectivity targets, in particular for 5G and advanced wireless networks, the completion of the single market and the need to meet specific technological or quality requirements for cross-border services. In particular, such Union spectrum strategy should identify spectrum (parts of spectrum/bands) which Member States should make available under harmonised procedures and conditions for the purpose of serving Union common security and defence policy. The Commission should also take into account that radio spectrum is a public good with an important social, cultural and economic value, that should be used effectively and efficiently. Union radio spectrum strategy

value, that should be used effectively and efficiently. Union radio spectrum strategy and roadmaps should respect relevant international agreements applicable to radio spectrum, including avoidance of harmful interference, and should promote the principles of technology and service neutrality and of shared used of radio spectrum, in compliance with competition law. For the Union radio spectrum strategy and roadmaps to make a difference, a process should be established within the RSPB which allows national competent authorities, together with the Commission, to monitor advancement in implementation in Member States and exchange experience, good practices and information. Moreover, synergies should be explored with the monitoring mechanism of the Digital Decade and of the European Semester.

and roadmaps should respect relevant international agreements applicable to radio spectrum, including avoidance of harmful interference, and should promote the principles of technology and service neutrality and of shared used of radio spectrum, in compliance with competition law. For the Union radio spectrum strategy and roadmaps to make a difference, a process should be established within the RSPB which allows national competent authorities, together with the Commission, to monitor advancement in implementation in Member States and exchange experience, good practices and information. Moreover, synergies should be explored with the monitoring mechanism of the Digital Decade and of the European Semester.

Or. en

Amendment 54

Proposal for a regulation
Recital 91

Text proposed by the Commission	*Amendment*
(91) ***Given the importance for*** EU competitiveness ***of*** the timely introduction of the next-generation (6G) wireless broadband communications, including its non-terrestrial elements, ***this*** should ***be the focus of the first Union radio spectrum strategy and roadmap. Nevertheless, the strategy should also include radio*** spectrum needs of ***other Union policies, as they arise, and should be holistic cater for the use not only of licenses, but also of unlicensed use, such as for instance for*** Radio Local Area Networks ('RLAN').	(91) ***The strategy and roadmaps should inter alia ensure the availability of spectrum resources necessary to support a comprehensive wireless broadband infrastructure in technology neutral manner and enable the most efficient and economically viable deployment of next-generation connectivity across the Union. When developing the Union radio spectrum strategy and roadmaps, the Commission should take due account of the need to support both licensed and unlicensed spectrum use for the benefit of*** EU competitiveness**.** The timely introduction of the next-generation (6G) wireless broadband communications,

including its non-terrestrial elements, should ***go hand in hand with meeting the*** spectrum needs of Radio Local Area Networks ('RLAN').

Or. en

Amendment 55

Proposal for a regulation
Recital 92

Text proposed by the Commission	*Amendment*
(92) To tap the full benefit of harmonisation under Decision ***No 676/2002/EC***, the use of harmonised radio spectrum bands should be allowed in a timely and synchronised manner throughout the Union. Allowing the use of a radio spectrum band entails assigning radio spectrum under a general authorisation regime or individual rights of use in order to permit the use of radio spectrum as soon as the assignment process is completed. In order to assign radio spectrum bands, it might be necessary to release a band occupied by other users and to compensate those users for the direct costs of migrating or reallocating the spectrum according to national law. The implementation of a common deadline might however be affected in a particular Member State by issues relating to unresolved cross-border coordination, to the complex technical migration of existing users of a band, to a general interest objective, to the safeguarding of national security and defence or to force majeure. In any case, competent authorities should take all measures necessary to reduce any delay to the minimum in terms of geographical coverage, timing and radio spectrum range. National competent authorities should, depending on relevant circumstances, request the Union to provide legal, political and technical support to resolve radio	(92) To tap the full benefit of harmonisation under Decision ***No 676/2002/EC***, the use of harmonised radio spectrum bands should be allowed in a timely and synchronised manner throughout the Union. Allowing the use of a radio spectrum band entails assigning radio spectrum under a general authorisation regime or individual rights of use in order to permit the use of radio spectrum as soon as the assignment process is completed. In order to assign radio spectrum bands, it might be necessary to release a band occupied by other users and to compensate those users for the direct costs of migrating or reallocating the spectrum according to national law. The implementation of a common deadline might however be affected in a particular Member State by issues relating to unresolved cross-border coordination, to the complex technical migration of existing users of a band, to a general interest objective, to the safeguarding of national security and defence or to force majeure. ***The grounds for extending the common deadline should be interpreted strictly. National competent authorities should be able to allow an alternative use of a harmonised band, or to extend the deadline further, only where a public consultation and a forward-looking assessment of market demand***

spectrum coordination issues with neighbouring countries, including candidate and acceding countries.

demonstrate a lack of market demand for the harmonised use of the band in the foreseeable future and, where relevant, such alternative use does not prevent or hinder the availability or the use of the band in other Member States. In any case, competent authorities should take all measures necessary to reduce any delay to the minimum in terms of geographical coverage, timing and radio spectrum range***, and should inform the other national competent authorities, through the ODN, and the Commission of any extension, stating the reasons***. National competent authorities should, depending on relevant circumstances, request the Union to provide legal, political and technical support to resolve radio spectrum coordination issues with neighbouring countries, including candidate and acceding countries.

Or. en

Amendment 56

Proposal for a regulation
Recital 93

Text proposed by the Commission	*Amendment*
(93) With the fast development of new wireless technologies and services, including using modern capabilities, such as AI, the Union radio spectrum management should be more agile and pro-active. In this regard, it is important to give innovators and other prospective users the opportunity to initiate the harmonisation process at Union level, if the need is demonstrated for, inter alia, the introduction of new technologies or the elimination of old technologies that make the use of radio spectrum inefficient or harm consumers. An open, transparent and non-discriminatory process should therefore be created for a formal filing and	(93) With the fast development of new wireless technologies and services, including using modern capabilities, such as AI, the Union radio spectrum management should be more agile and pro-active. In this regard, it is important to give innovators and other prospective users the opportunity to initiate the harmonisation process at Union level, ***or the modification of existing harmonised conditions,*** if the need is demonstrated for, inter alia, the introduction of new technologies or the elimination of old technologies that make the use of radio spectrum inefficient or harm consumers. An open, transparent and non-discriminatory process should

review of requests for harmonisation of spectrum by the Commission. The process should include a public consultation helping the Commission to decide whether to start a new process, and if so with which scope. As a consequence, the Commission should be able to decide whether to start updating or developing a radio spectrum related policy with support of the RSPB or to initiate the development of harmonised technical and operational conditions for the use of a particular radio spectrum band together with the Radio Spectrum Committee pursuant to Decision ***No 676/2002/EC. The form, content and level of detail to be given in the requests, details of the process of handling of the requests and, where relevant, any deadlines*** should be provided ***in guidelines***.

therefore be created for a formal filing and review of ***substantiated and duly justified*** requests for harmonisation of spectrum by the Commission***. Such requests should demonstrate the feasibility and justification for action at Union level***. The process should include a public consultation helping the Commission to decide whether to start a new process, and if so with which scope. As a consequence, the Commission should be able to decide whether to start updating or developing a radio spectrum related policy with support of the RSPB or to initiate the development of harmonised technical and operational conditions for the use of a particular radio spectrum band together with the Radio Spectrum Committee pursuant to Decision ***No 676/2002/EC. A reasoned response to each request*** should be provided ***within 12 months***.

Or. en

Amendment 57

Proposal for a regulation
Recital 93 a (new)

Text proposed by the Commission	*Amendment*
	(93a) For similar reasons, open, transparent and non-discriminatory processes on national level would permit innovators and other prospective users to request national competent authority to allow new type of technology to be used in relevant spectrum bands of the National Spectrum Allocation Plan.

Or. en

Amendment 58

Proposal for a regulation
Recital 96

Text proposed by the Commission	*Amendment*
(96) In order to facilitate the development of advanced services at larger scale, enable a more efficient use of the radio spectrum, and decrease the cost of wireless network deployment, prospective users of radio spectrum for public or non-public ***networks*** should be allowed to request that, to the extent possible, the same authorisation conditions apply in the Member States where they use radio spectrum for their networks. The Commission and competent authorities should cooperate with each other, and with the RSPB, to develop common authorisation conditions***. The Commission should also have the power to make the use of such conditions binding***. The harmonisation of authorisation conditions aims to facilitate the cross-border provision of services and economies of scale.	(96) In order to facilitate the development of advanced services at larger scale, enable a more efficient use of the radio spectrum, and decrease the cost of wireless network deployment, prospective users of radio spectrum for public or non-public ***wireless broadband services*** should be allowed to request that, to the extent possible, the same authorisation conditions apply in the Member States where they use radio spectrum for their networks. The Commission and competent authorities should cooperate with each other, and with the RSPB, to develop common authorisation conditions ***for wireless broadband services for the Member States involved***. The harmonisation of authorisation conditions aims to facilitate the cross-border provision of services and economies of scale.

Or. en

Amendment 59

Proposal for a regulation
Recital 97

Text proposed by the Commission	*Amendment*
(97) To promote the provision of pan-European high-quality networks and services or to exploit economies of scale, ***the Commission*** should be ***empowered*** to authorise a ***part of*** radio spectrum at Union level. Every new generation of mobile networks is more expensive to deploy than the previous one. It is hence not economically feasible for all mobile network operators currently active in the	(97) To promote the provision of pan-European high-quality networks and services or to exploit economies of scale, ***it*** should be ***possible*** to authorise a ***portion of each newly harmonised*** radio spectrum ***band for wireless broadband services*** at Union level. Every new generation of mobile networks is more expensive to deploy than the previous one. It is hence not economically feasible for all mobile

Union market to upgrade their networks to 6G. ***If requested by*** the Commission, the RSPB ***should hence assess, in its opinion on common*** authorisation ***conditions, the opportunity of an award of radio spectrum at the Union level and suggest an appropriate authorisation*** procedure and award conditions***, such as, for instance, operation on a wholesale model***. The same need could also arise to increase the amount of radio spectrum used for mobile satellite services, by repurposing terrestrial radio spectrum. In order to ensure the provision of pan-European services, such repurposed radio spectrum should also be awarded and authorised at the Union level. Setting the same authorisation conditions ***at the Union level and, if requested***, Union authorisation and harmonised award conditions at the Union level could facilitate the deployment and development of high-quality networks and services, such as satellite communications services provided using radio spectrum allocated for terrestrial services or 6G networks.

network operators currently active in the Union market to upgrade their networks to 6G. The Commission ***should therefore***, ***after consulting*** the RSPB ***on the modalities of such*** authorisation***, be empowered to adopt a delegated act defining the size of the portion, the*** procedure and ***the*** award conditions ***for the authorisation of such radio spectrum use at Union level***. The same need could also arise to increase the amount of radio spectrum used for mobile satellite services, by repurposing terrestrial radio spectrum. In order to ensure the provision of pan-European services, such repurposed radio spectrum should also be awarded and authorised at the Union level. Setting the same authorisation conditions ***for the Member States involved and, where appropriate***, Union authorisation and harmonised award conditions at the Union level could facilitate the deployment and development of high-quality networks and services, such as satellite communications services provided using radio spectrum allocated for terrestrial services or 6G networks.

Or. en

Amendment 60

Proposal for a regulation
Recital 97 a (new)

Text proposed by the Commission	*Amendment*
	(97a) The Commission should, in cooperation with the RSPB, carry out a competitive or comparative selection procedure to select one or more undertakings, satisfying strict resilience and sovereignty criteria, for the use of that radio spectrum for the provision of wireless broadband services in the entire Union, and should seek the assistance of the RSPB, the ODN, the Communications

Committee and, where relevant, external experts. By way of exception to the general authorisation regime, the selected undertakings should be authorised to provide wireless broadband services in the entire Union without the need to notify separately any Member State, subject only to the conditions set by the Commission in its selection decision within the limits of the general authorisation conditions laid down in this Regulation. Those conditions should confer on the selected undertakings the same rights and obligations in each Member State and should include, in particular, the provision of wholesale access. National competent authorities should grant the selected undertakings the rights to use the relevant radio spectrum within the timeframe and subject to the common conditions set by the Commission, without imposing any further conditions, additional criteria or procedures, and should monitor compliance and inform the Commission and the RSPB of any non-compliance. In the case of non-compliance in more than one Member State, the Commission, assisted by the Communications Committee, should be able to adopt appropriate and proportionate common corrective measures, to be enforced by the national competent authorities.

Or. en

Amendment 61

Proposal for a regulation
Recital 98

Text proposed by the Commission	*Amendment*
(98) In order to reduce bureaucracy and accelerate access to radio spectrum for which the authorisation conditions have been ***harmonised in more than one***	(98) In order to reduce bureaucracy and accelerate access to radio spectrum for which the authorisation conditions ***for wireless broadband services*** have been

Member ***State***, it should be possible to establish a procedure to facilitate the granting of individual rights of use by more than one national regulatory authority, in a coordinated manner and at a single location in the form of a 'one stop shop procedure'. The Commission should be able to ***recommend ways for*** competent authorities ***to deal with such requests in a one-stop-shop manner***.

developed for two or more Member ***States***, it should be possible to establish a procedure to facilitate the granting of individual rights of use by more than one national regulatory authority, in a coordinated manner and at a single location***, namely the ODN,*** in the form of a 'one stop shop procedure'. The Commission should be able to ***lay down, by means of implementing acts, the details of that procedure, including administrative deadlines. National*** competent authorities ***should grant the rights within the deadlines laid down in this Regulation***.

Or. en

Amendment 62

Proposal for a regulation
Recital 101

Text proposed by the Commission	*Amendment*
(101) Investment predictability can hence be better achieved by the provision of rights with indefinite duration, which national competent authorities ***should have the possibility to subject to periodic reviews***, with credible revocation options administered by the competent authorities, including the national competition authorities. At the same time, indefinite duration facilitates the development of a functioning secondary market for radio spectrum trading and leasing. The risk that indefinite duration of rights of use would prevent market entry and reduce competition, availability, quality of services, and investment incentives should however be addressed through strong and credible regulatory safeguards that protect competition and prevent radio spectrum hoarding, such as obligations to provide wholesale access or enable radio spectrum sharing subject to compliance with	(101) Investment predictability can hence be better achieved by the provision of rights with indefinite duration, which ***should be subject to periodic reviews by*** national competent authorities***, covering coverage and quality of service obligations and the state of competition, accompanied by a market analysis and carried out not earlier than 20 years after the granting of the right and thereafter not earlier than every 15 years***, with credible revocation options administered by the competent authorities, including the national competition authorities. At the same time, indefinite duration facilitates the development of a functioning secondary market for radio spectrum trading and leasing. The risk that indefinite duration of rights of use would prevent market entry and reduce competition, availability, quality of services, and investment incentives should however be

competition law. By choosing appropriate authorisation conditions - such as ‘use-it-or-share-it’ or ‘use-it-or-lose-it’ conditions and rollout obligations - and by enforcing them, the national competent authorities are able to ensure that radio spectrum is not left idle or blocked and is made available to more efficient or innovative competitors. Considering the importance of technical innovation, national competent authorities should be able to provide for rights to use radio spectrum for experimental purposes, including in scientific research projects and experimentations conducted in the lifecycle of the projects funded in the scope of the EU programmes, subject to specific restrictions and conditions, including duration, strictly justified by the experimental nature of such rights.

addressed through strong and credible regulatory safeguards that protect competition and prevent radio spectrum hoarding, such as obligations to provide wholesale access or enable radio spectrum sharing subject to compliance with competition law. By choosing appropriate authorisation conditions - such as ‘use-it-or-share-it’ or ‘use-it-or-lose-it’ conditions and rollout obligations - and by enforcing them, the national competent authorities are able to ensure that radio spectrum is not left idle or blocked and is made available to more efficient or innovative competitors. Considering the importance of technical innovation, national competent authorities should be able to provide for rights to use radio spectrum for experimental purposes, including in scientific research projects and experimentations conducted in the lifecycle of the projects funded in the scope of the EU programmes, subject to specific restrictions and conditions, including duration, strictly justified by the experimental nature of such rights.

Or. en

Amendment 63

Proposal for a regulation
Recital 102

Text proposed by the Commission	*Amendment*
(102) As long-term investment planning depends on guarantees for renewals of the rights of use in the same way as on the duration of the rights of use, the renewal should be in principle automatic, unless there are compelling reasons against it. National competent authorities should have the power not to renew the rights of use or to renew them for a shorter period or under changed conditions. This should be the case where certain conditions for refusal or change are met based on criteria that	(102) As long-term investment planning depends on guarantees for renewals of the rights of use in the same way as on the duration of the rights of use, the renewal should be in principle automatic ***and for an indefinite period of time, upon request by the holder submitted at least five years before the expiry of the right***, unless there are compelling reasons against it. National competent authorities should have the power not to renew the rights of use or to renew them for a shorter period or under

should be restrictively interpreted to provide sufficient guarantees and predictability. Refusal of renewal could be based on public policy objectives under Union law, as well as on the general objectives of this Regulation, including defence and security needs. Any decision not to renew should be subject to an open, non-discriminatory and transparent procedure and be notified under the spectrum single market procedure. In order to ensure legal certainty and respect, legitimate expectations of holders of the rights, the possibility of refusal to renew should be considered within an appropriate timespan prior to the expiry of the rights concerned, of at least ***5*** years.

changed conditions. This should be the case where certain conditions for refusal or change are met based on criteria that should be restrictively interpreted to provide sufficient guarantees and predictability. Refusal of renewal could be based on public policy objectives under Union law, as well as on the general objectives of this Regulation, including defence and security needs. Any decision not to renew should be subject to an open, non-discriminatory and transparent procedure and be notified under the spectrum single market procedure. In order to ensure legal certainty and respect, legitimate expectations of holders of the rights, the possibility of refusal to renew should be considered within an appropriate timespan prior to the expiry of the rights concerned, of at least ***three*** years. ***Those rules should also apply to rights of use for harmonised radio spectrum granted before the entry into force of this Regulation, without prejudice to the possibility for national competent authorities to adjust the duration of such rights by up to six years in order to assess the need for their renewal.***

Or. en

Amendment 64

Proposal for a regulation
Recital 106

Text proposed by the Commission	*Amendment*
(106) In line with the case-law of the Court of Justice, national competent authorities should not levy any charges or fees in relation to the provision of networks and electronic communications services other than those provided for by this Regulation. Where the provision of electronic communications relies on public resources the use of which is subject to	(106) In line with the case-law of the Court of Justice, national competent authorities should not levy any charges or fees in relation to the provision of networks and electronic communications services other than those provided for by this Regulation. Where the provision of electronic communications relies on public resources the use of which is subject to

specific authorisation, national competent authorities should be able to impose fees to ensure optimal use of those resources. Fees should reflect the value of the rights of use taking account inter alia of the economic and technical situation of the market concerned and be set in a manner that ensures efficient assignment and use of radio spectrum. It should be possible, for example, to use such fees to finance activities of national regulatory and other national competent authorities that cannot be covered by administrative charges. Where, in the case of competitive or comparative selection procedures, fees for rights of use for radio spectrum consist entirely or partly of a one-off amount, payment arrangements should ensure that such fees do not in practice lead to selection on the basis of criteria unrelated to the objective of ensuring optimal use of radio spectrum.

specific authorisation, national competent authorities should be able to impose fees to ensure optimal use of those resources***.*** ***Holders of rights of use for radio spectrum should only be subject to contributions which are objectively justified, transparent, non-discriminatory and proportionate in relation to their intended purpose, ensure optimal use of those resources and take into account the general objectives of this Regulation. Such contributions may take the form of commitments in kind, of the payment of fees or of a combination of the two***. Fees should reflect the value of the rights of use taking account inter alia of the economic and technical situation of the market concerned and be set in a manner that ensures efficient assignment and use of radio spectrum. It should be possible, for example, to use such fees to finance activities of national regulatory and other national competent authorities that cannot be covered by administrative charges. Where, in the case of competitive or comparative selection procedures, fees for rights of use for radio spectrum consist entirely or partly of a one-off amount, payment arrangements should ensure that such fees do not in practice lead to selection on the basis of criteria unrelated to the objective of ensuring optimal use of radio spectrum.

Or. en

Amendment 65

Proposal for a regulation
Recital 107

Text proposed by the Commission	*Amendment*
(107) The methodology for calculating the level of radio spectrum fees in the Union differs considerably between Member States. This discrepancy could	(107) The methodology for calculating the level of radio spectrum fees in the Union differs considerably between Member States. This discrepancy could

make difficult the provision of networks based on radio spectrum in multiple Member States. The Commission should hence publish, on a regular basis, benchmark studies ***and, as appropriate, develop other guidance with regard to the methodology for calculating radio spectrum annual fees to be imposed by national national competent authorities for terrestrial spectrum***. Such methodology should be based on the principles of effective and efficient use of radio spectrum, transparency, non-discrimination and proportionality in relation to their intended purpose, and allow national competent authorities to calculate the exact fee to be applied, which could comprise a fixed annual part (per KHz per category of band) and a percentage of the yearly turnover generated through the use of frequencies. When the Commission determines the methodology, the experience of BEREC and the national regulatory authorities in building suitable cost models will be invaluable and should be taken into account. National competent authorities should make sure that the amount of the fees in any case covers the cost of the management of the radio spectrum.

make difficult the provision of networks based on radio spectrum in multiple Member States. The Commission should hence ***lay down, by means of a delegated act supplementing this Regulation, a common European methodology for defining annual fees for terrestrial spectrum, and should*** publish, on a regular basis, benchmark studies. Such methodology should be based on the principles of effective and efficient use of radio spectrum, transparency, non-discrimination and proportionality in relation to their intended purpose, and allow national competent authorities to calculate the exact fee to be applied, which could comprise a fixed annual part (per KHz per category of band) and a percentage of the yearly turnover generated through the use of frequencies. When the Commission determines the methodology, the experience of BEREC and the national regulatory authorities in building suitable cost models will be invaluable and should be taken into account. National competent authorities should make sure that the amount of the fees in any case covers the cost of the management of the radio spectrum.

Or. en

Amendment 66

Proposal for a regulation
Recital 108

Text proposed by the Commission	*Amendment*
(108) Any burden imposed on undertakings for rights of use for radio spectrum can influence decisions about whether to seek and put into use radio spectrum resources. National competent authorities should therefore set reserve prices in a way that leads to the efficient	(108) Any burden imposed on undertakings for rights of use for radio spectrum can influence decisions about whether to seek and put into use radio spectrum resources. National competent authorities should therefore set reserve prices in a way that leads to the efficient

assignment of those rights, irrespective of the type of selection procedure used. The Commission ***may issue a recommendation on*** a common methodology for defining reserve prices, considering criteria such as the opportunity cost of radio spectrum, the characteristics of the band and the costs associated with the fulfilment of authorisation conditions imposed to further policy objectives. In doing so, the competitive situation of the market concerned including the possible alternative uses of the resources should also be considered. In principle, national competent authorities should not set reserve prices where they impose coverage or quality of service obligations, unless there is a risk of collusion and/or non-serious participation unduly lengthening the procedure, etc. The Commission should be empowered to ***adopt*** implementing acts, ***if the recommendation is not successful to ensure consistent outcomes in the Union and this jeopardises the ubiquitous deployment of high quality wireless networks in the Union***.

assignment of those rights, irrespective of the type of selection procedure used***, taking into account the costs entailed by the conditions attached to those rights and the impact of the reserve price level on investment incentives and network deployment***. The Commission ***should lay down, by means of a delegated act supplementing this Regulation,*** a common ***European*** methodology for defining reserve prices, considering criteria such as the opportunity cost of radio spectrum, the characteristics of the band and the costs associated with the fulfilment of authorisation conditions imposed to further policy objectives. In doing so, the competitive situation of the market concerned including the possible alternative uses of the resources should also be considered. In principle, national competent authorities should not set reserve prices where they impose coverage or quality of service obligations, unless there is a risk of collusion and/or non-serious participation unduly lengthening the procedure, etc. The Commission should ***control the application of that methodology in the radio spectrum single market procedure and should*** be empowered to ***set, by means of*** implementing acts, ***maximum annual fees or reserve prices where the application of the methodology by national competent authorities proves insufficient to set reserve prices at a level that does not disincentivise investments***.

Or. en

Amendment 67

Proposal for a regulation
Recital 109

Text proposed by the Commission	*Amendment*
(109) Considering the high level of cost	(109) Considering the high level of cost

of radio spectrum that has originated due to the reliance of auction selection based on the comparative payment of fees, priority should be given to commitments over fees. It should therefore be possible to substitute fees by commitments offered by applicants to implement measures that would directly benefit the deployment of networks and the quality of wireless communications. ***In practice, this could take the form of advanced payments that would be repaid, or bank guarantees that would be lifted when those*** commitments ***are fulfilled***.

of radio spectrum that has originated due to the reliance of auction selection based on the comparative payment of fees, priority should be given to commitments over fees. It should therefore be possible to substitute fees by commitments offered by applicants to implement measures that would directly benefit the deployment of networks and the quality of wireless communications. ***When designing a selection procedure for harmonised radio spectrum for wireless broadband networks and services, national competent authorities should prioritise the fulfilment of predetermined*** commitments ***related to covering an area or densifying a network by a predetermined deadline over the payment of a one-off fee***. ***One-off fees in a comparative selection procedure or reserve prices in a competitive selection procedure should take into account long-term investments, the investment cycle and the period required for cost recovery, and one-off fees should only apply where the national competent authority can demonstrate that commitments would not ensure a more efficient use of the radio spectrum than the imposition of fees, that the imposition of fees would not affect the development of networks or services or the capacity of spectrum users to invest in such development, and that the imposition of fees offers significant macro-economic long-term advantages for society.***

Or. en

Amendment 68

Proposal for a regulation
Recital 115

Text proposed by the Commission	*Amendment*
(115) While supporting transparent, non-discriminatory assignment and efficient use of radio spectrum, auctions - as a type of a	(115) While supporting transparent, non-discriminatory assignment and efficient use of radio spectrum, auctions - as a type of a

selection procedure relying on competitive price bidding - could result in creation of an important financial burden on operators if they are not designed properly or the award conditions do not reflect the situation on the market. Therefore, priority should be given to investment-oriented auctions focusing on the achievement of certain quality and coverage commitments rather than on the payment of ***fees***.

selection procedure relying on competitive price bidding - could result in creation of an important financial burden on operators if they are not designed properly or the award conditions do not reflect the situation on the market. Therefore, priority should be given to investment-oriented auctions focusing on the achievement of certain quality and coverage commitments rather than on the payment of ***fees.The total level of fees, including one-off payments, reserve prices and annual fees, charged in respect of harmonised radio spectrum for wireless broadband services should not create a disproportionate financial burden capable of preventing, significantly delaying or otherwise impeding the deployment of networks or the provision of services. Building on the good practices collected by the RSPB, the Commission should identify and recommend the most appropriate pro-investment authorisation processes and selection conditions for authorising the use of harmonised radio spectrum.***

Or. en

Amendment 69

Proposal for a regulation
Recital 116

Text proposed by the Commission	*Amendment*
(116) The voluntary Peer Review Forum established by Directive (EU) 2018/1972 as an instrument for peer learning has not succeeded in making more convergent use and definition of elements of selection procedures and the conditions attached to the rights of use for radio spectrum, as only about one third of the national measures were reviewed by peers. As those elements and conditions have a significant impact on market conditions and the competitive situation, including conditions for entry	(116) The voluntary Peer Review Forum established by Directive (EU) 2018/1972 as an instrument for peer learning has not succeeded in making more convergent use and definition of elements of selection procedures and the conditions attached to the rights of use for radio spectrum, as only about one third of the national measures were reviewed by peers. As those elements and conditions have a significant impact on market conditions and the competitive situation, including conditions for entry

and expansion, a new ex ante coordination mechanism – a radio spectrum single market procedure – should be established. That procedure should apply to every measure proposed by national competent authorities with a view to undertake a selection procedure or to amend or renew rights of use in relation to harmonised radio spectrum for wireless broadband electronic communications networks and services. Such an ex ante mechanism is more efficient than intervention ex post, as it can detect in advance measures which are ill justified or disproportionate. The notifying authority should especially explain how any proposed market shaping measure is necessary to maintain or achieve effective competition and outline its likely effects on existing and future investments by market participants, on the basis of a market analysis. If the notifying authority intends to impose a definite duration of a right to use, it should present arguments for how it considers the proposed duration to be sufficient in light of the investments that are needed to achieve the objectives of the assignment procedure and of this Regulation. The Commission should be able to notify any reservations that it may have on draft market shaping measures, i.e. measures that impact the structure or the level of competition in the market, such as radio spectrum caps, reservations or wholesale access obligations, and should in such case state the reasons for the reservation. The Commission could consider that the measure would create a barrier to the internal market or have seriously doubts about its compatibility with Union law, in particular the objectives of this Regulation. The Commission could also notify any reservations that may arise in the case of a limited duration, where it considers that such duration is ***insufficient***. In its evaluation, the Commission will need to consider any possible impact that duration of rights of use would have on competition. To ensure its effectiveness, the process

and expansion, a new ex ante coordination mechanism – a radio spectrum single market procedure – should be established. That procedure should apply to every measure proposed by national competent authorities with a view to undertake a selection procedure or to amend or renew rights of use in relation to harmonised radio spectrum for wireless broadband electronic communications networks and services. Such an ex ante mechanism is more efficient than intervention ex post, as it can detect in advance measures which are ill justified or disproportionate. The notifying authority should especially explain how any proposed market shaping measure is necessary to maintain or achieve effective competition and outline its likely effects on existing and future investments by market participants, on the basis of a market analysis. ***It should also explain the coverage and quality of service obligations proposed and how the common methodology for reserve prices has been applied so that financial requirements, taking into account the costs entailed by the conditions attached to the rights, do not risk disincentivising investments.*** If the notifying authority intends to impose a definite duration of a right to use, it should present arguments for how it considers the proposed duration to be sufficient in light of the investments that are needed to achieve the objectives of the assignment procedure and of this Regulation. The Commission should be able to notify any ***serious*** reservations that it may have on draft market shaping measures, i.e. measures that impact the structure or the level of competition in the market, such as radio spectrum caps, reservations or wholesale access obligations, and should in such case state the reasons for the reservation. The Commission could consider that the measure would create a barrier to the internal market or have seriously doubts about its compatibility with Union law, in particular the objectives of this Regulation.

should provide the Commission with a possibility of a veto on the duration of rights of use and on market shaping measures ***if deemed necessary***. This new radio spectrum single market procedure should replace the Peer Review Forum.

The Commission could also notify any ***serious*** reservations that may arise in the case of a limited duration, where it considers that such duration is ***not proportionate, taking into account the conditions attached to the rights and the investments needed to fulfil those conditions, as well as on the adequacy of the coverage or quality of service obligations and on the level of deviation of the proposed reserve prices from the common European methodology***. In its evaluation, the Commission will need to consider any possible impact that duration of rights of use would have on competition. To ensure its effectiveness, the process should provide the Commission with a possibility of a veto on the duration of rights of use and on market shaping measures ***only where it determines a serious violation of the requirements applicable to the notified draft measure***. This new radio spectrum single market procedure should replace the Peer Review Forum.

Or. en

Amendment 70

Proposal for a regulation
Recital 118

Text proposed by the Commission	*Amendment*
(118) Measures which intervene in the structure of the market, such as radio spectrum caps or reservations, may be imposed only where less intrusive measures, such as wholesale access obligations, are not sufficient to guarantee effective competition at retail level. Before wholesale access obligations are imposed, national competent authorities should assess whether retail markets would be effectively competitive in the absence of wholesale intervention. The assessment	(118) Measures which intervene in the structure of the market, such as radio spectrum caps or reservations, may be imposed only where less intrusive measures, such as wholesale access obligations, are not sufficient to guarantee effective competition at retail level***. Where radio spectrum caps are proposed, the limits applicable to wholesale-only undertakings may be higher than those applicable to other undertakings***. Before wholesale access obligations are imposed,

should be holistic and take into account a number of parameters, such as but not limited to listed prices for mass market consumer and business products, rebates, including targeted rebates, as well as investments and quality of service. When determining the rights of use subject to such obligations, the national competent authority should consider the capacity available to support wholesale offers.	national competent authorities should assess whether retail markets would be effectively competitive in the absence of wholesale intervention. The assessment should be holistic and take into account a number of parameters, such as but not limited to listed prices for mass market consumer and business products, rebates, including targeted rebates, as well as investments and quality of service. When determining the rights of use subject to such obligations, the national competent authority should consider the capacity available to support wholesale offers.

Or. en

Amendment 71

Proposal for a regulation
Recital 122 a (new)

Text proposed by the Commission	*Amendment*
	(122a) Holders of rights of use for harmonised radio spectrum for mobile broadband services should enhance the capacity, coverage and quality of service of their mobile broadband networks and services, in line with the objectives of this Regulation. To that end, in justified cases, competent authorities should, whenever rights of use are granted or renewed, set proportionate objectives to increase the number of small-area wireless access points, particularly in areas of high traffic demand, combined with the use of mid-band and high-band radio spectrum. In order to preserve investment capacity, at least half of the densification cost should be offset by a reduction of the one-off fees for the granting or renewal of the rights of use.

Or. en

Amendment 72

Proposal for a regulation
Recital 128

Text proposed by the Commission	*Amendment*
(128) Harmonisation and management of radio spectrum for satellite use at the international level through the ITU do not have as an effect the harmonisation of national authorisation procedures for the provision of satellite communications services and for use of related spectrum. Applicable rules and conditions governing satellite networks and satellite communications services remain fragmented across Member States, hindering satellite operators in the Union from achieving the necessary scale to provide cross-border or pan-European connectivity services. Such services are increasingly essential for connecting underserved and remote areas, strengthening resilience, and supporting the deployment of new technologies. To overcome those challenges, the provision of satellite networks and services should be subject to general authorisation at Union level, under conditions developed by the Commission together with the Member States. In view of the diversity of satellite networks and services, such authorisation conditions should ***better be developed through implementing acts***, and in close cooperation with the RSPB, given the vast experience of national spectrum authorities in satellite authorisation. A notification to the Commission under such general authorisation would confer to an undertaking the same rights all over the Union without a need to notify separately in individual Member States.	(128) Harmonisation and management of radio spectrum for satellite use at the international level through the ITU do not have as an effect the harmonisation of national authorisation procedures for the provision of satellite communications services and for use of related spectrum. Applicable rules and conditions governing satellite networks and satellite communications services remain fragmented across Member States, hindering satellite operators in the Union from achieving the necessary scale to provide cross-border or pan-European connectivity services. Such services are increasingly essential for connecting underserved and remote areas, strengthening resilience, and supporting the deployment of new technologies. To overcome those challenges, the provision of satellite networks and services should be subject to general authorisation at Union level, under conditions developed by the Commission together with the Member States. In view of the diversity of satellite networks and services, such authorisation conditions should ***be laid down by means of delegated acts supplementing this Regulation***, and in close cooperation with the RSPB, given the vast experience of national spectrum authorities in satellite authorisation. A notification to the Commission under such general authorisation would confer to an undertaking the same rights all over the Union without a need to notify separately in individual Member States.

Or. en

Amendment 73

Proposal for a regulation
Recital 130

Text proposed by the Commission	*Amendment*
(130) Spectrum used for satellite networks and services should be subject to a Union authorisation granted by the Commission with the assistance of RSPB. A European Table of Allocation of Satellite Frequencies should be adopted to provide transparency to satellite operators as to which spectrum may be accessed for specific satellite services. ***While for certain*** satellite spectrum bands***, the Commission may decide that their access shall be possible under*** general authorisation, ***such as for Internet of Things, for others***, individual rights of use should ***be preferred, in view of the need*** to avoid harmful interference, ensure quality of service, network resilience and security of communications.	(130) Spectrum used for satellite networks and services should be subject to a Union authorisation granted by the Commission with the assistance of RSPB. A European Table of Allocation of Satellite Frequencies should be adopted to provide transparency to satellite operators as to which spectrum may be accessed for specific satellite services. ***As a general rule, access to*** satellite ***radio*** spectrum bands ***should be subject to*** general authorisation, ***with the authorisation conditions for the use of radio spectrum in those bands, including any applicable fees***, ***being established at Union level.*** Individual rights of use should ***remain possible where they are needed*** to avoid harmful interference, ensure quality of service, network resilience and security of communications.

Or. en

Amendment 74

Proposal for a regulation
Recital 131

Text proposed by the Commission	*Amendment*
(131) Moreover, in order to enable the provision of pan-European satellite networks and services, the authorisation conditions for the use of satellite spectrum should be the same across the Union. Such authorisation conditions should in particular guarantee the respect of applicable ITU Radio Regulations' rules on satellite coordination and avoidance of harmful interference as well as	(131) Moreover, in order to enable the provision of pan-European satellite networks and services, the authorisation conditions for the use of satellite spectrum should be the same across the Union. Such authorisation conditions should in particular guarantee the respect of applicable ITU Radio Regulations' rules on satellite coordination and avoidance of harmful interference as well as

coordination with other satellite systems, present and future, which is of special importance for the existing and planned satellite systems under Union's programmes. Authorisation conditions for the provision of satellite networks or services should also seek coherence with the Cybersecurity Act ***which is to replace Regulation (EU) 2019/881 of the European Parliament and of the Council***.	coordination with other satellite systems, present and future, which is of special importance for the existing and planned satellite systems under Union's programmes. Authorisation conditions for the provision of satellite networks or services should also seek coherence with the Cybersecurity Act ***2***.

Or. en

Amendment 75

Proposal for a regulation
Recital 135

Text proposed by the Commission	*Amendment*
(135) Technological developments are leading to the progressive integration of terrestrial and non-terrestrial networks into a unified communication architecture, combining ground-based infrastructure with non-terrestrial components, in particular Low Earth Orbit ('LEO') satellite constellations, thereby ensuring ubiquitous, resilient and high-performance connectivity on a global scale. The global competition for standardisation and for access to satellite spectrum for next-generation mobile technologies demonstrates the strategic importance of spectrum as a critical resource. Specific legal provisions in this area are necessary to effectively address these developments, by strengthening the rules governing satellite spectrum management to enable the Union to ensure its strategic autonomy in the deployment of secure and resilient terrestrial and non-terrestrial 5G and 6G networks. At the same time, due to the scarcity of Mobile Satellite Spectrum, there is an increasing need to share spectrum between terrestrial and non-terrestrial users. Such sharing should be done in a	(135) Technological developments are leading to the progressive integration of terrestrial and non-terrestrial networks into a unified communication architecture, combining ground-based infrastructure with non-terrestrial components, in particular Low Earth Orbit ('LEO') satellite constellations, thereby ensuring ubiquitous, resilient and high-performance connectivity on a global scale. The global competition for standardisation and for access to satellite spectrum for next-generation mobile technologies demonstrates the strategic importance of spectrum as a critical resource. Specific legal provisions in this area are necessary to effectively address these developments, by strengthening the rules governing satellite spectrum management to enable the Union to ensure its strategic autonomy in the deployment of secure and resilient terrestrial and non-terrestrial 5G and 6G networks. At the same time, due to the scarcity of Mobile Satellite Spectrum, there is an increasing need to share spectrum between terrestrial and non-terrestrial users. Such sharing should be done in a

way which does not jeopardise the provision of the terrestrial services. To safeguard the unconstrained continuity of the current uses and applications, this Regulation should guarantee that shared use of spectrum ***between*** terrestrial ***and*** satellite systems can only take place when the primary holder of the terrestrial right of use has agreed and under their responsibility. In a context of integrated satellite and mobile communication services enabled by 6G technologies, traditional boundaries between terrestrial and satellite networks are becoming blurred. *Thereforea* coordinated and forward-looking regulatory framework is required in order to prevent market fragmentation and spectrum interference, particulary in frequency bands that will be jointly used by both terrestrial mobile and satellite operators.	way which does not jeopardise the provision of the terrestrial services. To safeguard the unconstrained continuity of the current uses and applications, this Regulation should guarantee that shared use of spectrum ***harmonised for*** terrestrial ***wireless broadband electronic communications services by*** satellite systems can only take place ***to complement terrestrial services and*** when the primary holder of the terrestrial right of use has agreed and under their responsibility***, while safeguarding the future evolution and development of all relevant radio services and applications using those bands and adjacent bands***. In a context of integrated satellite and mobile communication services enabled by 6G technologies, traditional boundaries between terrestrial and satellite networks are becoming blurred. *Therefore a* coordinated and forward-looking regulatory framework is required in order to prevent market fragmentation and spectrum interference, particulary in frequency bands that will be jointly used by both terrestrial mobile and satellite operators.

Or. en

Amendment 76

Proposal for a regulation
Recital 136

Text proposed by the Commission	*Amendment*
(136) In view of the implementation of the specific current and future Union policies relying on numbering resources, timely identification of needs for both current and innovative services is essential. The development of the Union internal market results in increasing deployment of cross-border services that often rely on numbering resources. In order for such services to thrive and bring the expected	(136) In view of the implementation of the specific current and future Union policies relying on numbering resources, timely identification of needs for both current and innovative services is essential. The development of the Union internal market results in increasing deployment of cross-border services that often rely on numbering resources. In order for such services to thrive and bring the expected

societal benefits and economic growth, regulatory consistency and predictability should be ensured with regard to the planning, allocation and management of numbering resources in the Union. The Commission should deliver a forward-looking numbering strategy, relying on the input of all interested parties and with due consideration of the opinion of BEREC, ***that would constitute the basis of the Union*** numbering ***plan***.	societal benefits and economic growth, regulatory consistency and predictability should be ensured with regard to the planning, allocation and management of numbering resources in the Union. The Commission should deliver a forward-looking numbering strategy, relying on the input of all interested parties and with due consideration of the opinion of BEREC, ***concerning the consistent management of*** numbering ***resources in the Member States and at Union level***.

Or. en

Amendment 77

Proposal for a regulation
Recital 137

Text proposed by the Commission	*Amendment*
(137) The availability of pan-European numbering resources would enable consistency and simplification of the use of numbering resources by providers of cross-border or pan-European services. The Commission, relying on Member States' support, should be able to take measures, including by means of adopting implementing acts, to adopt the Union numbering plan, to enable the application for numbering ranges to the ITU and r to set the conditions that may be attached to the right of use of numbering resources from the Union numbering plan, including the fees for rights of use for such resources and the possibility to transfer such fees to the ODN. While national regulatory authorities should assign the pan-European numbering resources as they are best placed to ensure the enforcement of the conditions attached to the individual rights of use, the ODN, in cooperation with national regulatory authorities, and under the supervision of BEREC, should keep an	***deleted***

up-to-date database of the pan-European numbering resources to have a centralised overview of their availability.

Or. en

Amendment 78

Proposal for a regulation
Recital 138

Text proposed by the Commission	*Amendment*
(138) The development of pan-European services, in particular machine to machine services, would be further enabled by the availability of harmonised numbers across the Union while the management of these numbering resources by national regulatory authorities in cooperation with the ODN would ensure a single set of conditions to comply with by these service providers. For this purpose, Member States should support the Commission to obtain ranges of numbering resources from the ITU, including by applying for such specific numbering ranges on their behalf. Where there is a need for harmonisation of numbering resources in the Union to support the development of pan-European services or cross-border services, in particular new machine-to-machine-based services such as connected cars, and where the management of these resources in a centralised way by national regulatory authorities in cooperation with the ODN would enable simpler and more transparent allocation procedures for service providers, the Commission should be empowered to adopt implementing acts.	***deleted***

Or. en

Amendment 79

Proposal for a regulation
Recital 142

Text proposed by the Commission	*Amendment*
(142) Access to numbering resources on the basis of transparent, objective and non-discriminatory criteria is essential for undertakings to compete in the electronic communications sector. National regulatory authorities should be able to grant rights of use for numbering resources to undertakings other than providers of electronic communications networks or services in light of the increasing relevance of numbers for various Internet of Things services. All elements of national numbering plans should be managed by national regulatory authorities, including point codes used in network addressing.	(142) Access to numbering resources on the basis of transparent, objective and non-discriminatory criteria is essential for undertakings to compete in the electronic communications sector***. The procedures for granting rights of use for numbering resources should guarantee technological and service neutrality to the largest possible extent***. National regulatory authorities should be able to grant rights of use for numbering resources to undertakings other than providers of electronic communications networks or services in light of the increasing relevance of numbers for various Internet of Things services. All elements of national numbering plans should be managed by national regulatory authorities, including point codes used in network addressing.

Or. en

Amendment 80

Proposal for a regulation
Recital 144

Text proposed by the Commission	*Amendment*
(144) The originating party should be able to access all numbers included in the national numbering plans of other Member States and to access services using non-geographic numbers, including freephone and premium-rate numbers ***and pan-European numbering resources*** within the Union, except where the receiving party has chosen, for commercial reasons, to limit access from certain geographical areas. The originating party should also be	(144) The originating party should be able to access all numbers included in the national numbering plans of other Member States and to access services using non-geographic numbers, including freephone and premium-rate numbers within the Union, except where the receiving party has chosen, for commercial reasons, to limit access from certain geographical areas. The originating party should also be able to access numbers from the Universal

able to access numbers from the Universal International Freephone Numbers.	International Freephone Numbers.

Or. en

Amendment 81

Proposal for a regulation
Recital 149

Text proposed by the Commission	*Amendment*
(149) To support a coherent and efficient preparation of the copper switch-off, a coordinated action is needed at Union and national level in those Member States in which copper-based services are still in operation after ***30 June 2029***. Those Member States play a key role in achieving a rapid and orderly transition to fibre to the benefit of end-users. Each such Member State should draw up a national transition to fibre plan setting out its strategy for the transition to fibre networks. That plan should describe ***network coverage for the relevant technologies, identify*** deployment ***initiatives and specify measures*** to support a timely and orderly migration from copper to fibre networks.	(149) To support a coherent and efficient preparation of the copper switch-off, a coordinated action is needed at Union and national level in those Member States in which copper-based services are still in operation after ***the date laid down in this Regulation, where copper networks are used by at least 15 % of fixed broadband subscribers nationwide and where no binding copper switch-off plan approved by the national regulatory authority is in place. Member States which do not meet those conditions should nevertheless be able to apply the rules on safeguards for end-users and on supervision and enforcement***. Those Member States play a key role in achieving a rapid and orderly transition to fibre to the benefit of end-users. Each such Member State should draw up a national transition to fibre plan setting out its strategy for the transition to fibre networks. That plan should describe ***the measures in place or planned to foster fibre*** deployment ***and*** to support a timely and orderly migration from copper to fibre networks. ***The Commission should be able to comment on, and propose amendments to, the initial and updated plans, and Member States should take account of those inputs.***

Or. en

Amendment 82

Proposal for a regulation
Recital 151

Text proposed by the Commission	*Amendment*
(151) To plan and manage the copper switch-off in a structured and transparent manner, national regulatory authorities should identify specific geographic copper switch-off areas ('CSO areas'), ***using harmonised criteria based on guidance adopted by the Commission***. National regulatory authorities should keep those areas under review in light of network deployment and market developments**.**	(151) To plan and manage the copper switch-off in a structured and transparent manner, national regulatory authorities should identify specific geographic copper switch-off areas ('CSO areas'), ***and publish the list of those areas within the period laid down in this Regulation***. National regulatory authorities should ***be able to*** keep those areas under review in light of network deployment and market developments

Or. en

Amendment 83

Proposal for a regulation
Recital 152

Text proposed by the Commission	*Amendment*
(152) The sustainability condition related to the fibre coverage can be met irrespective of whether such networks are deployed by the incumbent or alternative operators. For the purposes of assessing whether affordable retail connectivity services of comparable quality are available to end-users relying on copper-based services, national regulatory authorities should apply objective and transparent criteria, taking into account national circumstances, local deployment conditions and relevant market data.	(152) The sustainability condition related to the fibre coverage can be met irrespective of whether such networks are deployed by the incumbent or alternative operators. For the purposes of assessing whether affordable retail connectivity services of ***at least*** comparable quality are available to ***all*** end-users relying on copper-based services, national regulatory authorities should apply objective and transparent criteria, taking into account national circumstances, local deployment conditions and relevant market data.

Or. en

Amendment 84

Proposal for a regulation
Recital 153

Text proposed by the Commission	*Amendment*
(153) Member States should ***aim to start*** the copper switch-off in ***a significant proportion of*** CSO areas ***well in advance of 31 December 2035***. To that effect, they should take appropriate measures, in line with their national transition to fibre plan, to maximise the number of CSO areas where the sustainability conditions are met at an early stage.	(153) Member States should ***mandate*** the copper switch-off ***without undue delay*** in CSO areas ***where the sustainability conditions are met***. To that effect, they should take appropriate measures, in line with their national transition to fibre plan, to maximise the number of CSO areas where the sustainability conditions are met at an early stage.

Or. en

Amendment 85

Proposal for a regulation
Recital 154

Text proposed by the Commission	*Amendment*
(154) Where the sustainability conditions are met, Member States should mandate the copper switch-off within defined time limits, following the publication of the relevant assessments by national regulatory authorities. This progressive approach facilitates orderly migration, reduces uncertainty and allows sufficient time for operators and end-users to adapt.	(154) Where the sustainability conditions are met, Member States should mandate the copper switch-off***, up to the building serving point,*** within defined time limits, following the publication of the relevant assessments by national regulatory authorities. This progressive approach facilitates orderly migration, reduces uncertainty and allows sufficient time for operators and end-users to adapt.

Or. en

Amendment 86

Proposal for a regulation
Recital 155

Text proposed by the Commission	*Amendment*
(155) Where the sustainability conditions are not met in a CSO area, Member States are not obliged to mandate copper switch-off in those areas ***before 31 December 2035*** and copper network may continue to be in service. ***However, by 31 December 2035, the copper switch-off should, as a rule, be mandated in all CSO areas. This long-term objective provides a clear investment signal while allowing sufficient flexibility to accommodate differences in deployment progress across Member States and regions.***	(155) Where the sustainability conditions are not met in a CSO area, Member States are not obliged to mandate copper switch-off in those areas and copper network may continue to be in service.

Or. en

Amendment 87

Proposal for a regulation
Recital 156

Text proposed by the Commission	*Amendment*
(156) In exceptional cases, where fibre deployment is not economically viable and no adequate connectivity solution capable of replacing copper-based services is available, Member States should be able to refrain from mandating the copper switch-off. Such exceptions are necessary to avoid disproportionate impacts on end-users and ensure the continuity of essential services. In that context, adequate connectivity solutions refer to solutions capable of ensuring the continuity of electronic communications services of a quality comparable to that provided by the copper network in the same area. The availability of such adequate connectivity solutions should be determined by national regulatory authorities on the basis of objective criteria, including quality and affordability, taking into account market	***deleted***

conditions.

Or. en

Amendment 88

Proposal for a regulation
Recital 157

Text proposed by the Commission	*Amendment*
(157) To ensure a smooth transition and protect end-users, Member States should provide for appropriate safeguards prior to the copper switch-off. Those safeguards should include clear and timely information, as well as measures to ensure the continuity or migration of critical services to functionally equivalent alternatives.	(157) To ensure a smooth transition and protect end-users, Member States should provide for appropriate safeguards prior to the copper switch-off. Those safeguards should include clear and timely information, as well as measures to ensure the continuity or migration of critical services to functionally equivalent alternatives. ***Member States should be able to impose additional obligations regarding end-user information related to the copper switch-off on public bodies and retail service providers.***

Or. en

Amendment 89

Proposal for a regulation
Recital 159

Text proposed by the Commission	*Amendment*
(159) It is necessary to give appropriate incentives for investment in ***gigabit*** networks that support innovation in content-rich internet services and strengthen the overall competitiveness of the Union. It is therefore vital to promote efficient investment in the development of those networks, while safeguarding competition, as bottlenecks and barriers to entry remain at the infrastructure level, and boosting consumer choice through	(159) It is necessary to give appropriate incentives for investment in ***resilient very high capacity*** networks that support innovation in content-rich internet services and strengthen the overall competitiveness of the Union. It is therefore vital to promote efficient investment in the development of those networks, while safeguarding competition, as bottlenecks and barriers to entry remain at the infrastructure level, and boosting consumer

regulatory predictability and consistency.	choice through regulatory predictability and consistency.

Or. en

Amendment 90

Proposal for a regulation
Recital 161 a (new)

Text proposed by the Commission	*Amendment*
	(161a) The deployment and operation of electronic communications networks and associated facilities depend on timely access to the electricity grid. Member States should therefore ensure that requests for connection to the electricity grid for the purpose of operating electronic communications networks or associated facilities are processed without undue delay and with priority, and that the requesting undertakings and operators of associated facilities are provided, within one month of submitting a request, with information on the nearest technically suitable connection points to the electricity grid for the site concerned, together with a transparent estimate of the costs and timeline for the grid connection.

Or. en

Amendment 91

Proposal for a regulation
Recital 163

Text proposed by the Commission	*Amendment*
(163) Where mobile operators are required to share towers or masts for environmental reasons, such mandated sharing could lead to a reduction in the maximum transmitted power levels	(163) Where mobile operators are required to share towers or masts for environmental reasons, such mandated sharing could lead to a reduction in the maximum transmitted power levels

allowed for each operator for reasons of public health, and this in turn could require operators to install more transmission sites to ensure national coverage. Competent authorities should seek to reconcile the environmental and public health considerations in question, taking due account of the precautionary approach.

allowed for each operator for reasons of public health, and this in turn could require operators to install more transmission sites to ensure national coverage. Competent authorities should seek to reconcile the environmental and public health considerations in question, taking due account of the precautionary approach. ***When assessing the feasibility of co-location, competent authorities should ensure that assessments of electromagnetic field emissions at the site concerned are based on measurements of actual emissions.***

Or. en

Amendment 92

Proposal for a regulation
Recital 164

Text proposed by the Commission	*Amendment*
(164) The obligations on access and interconnection should ***only*** apply to public electronic communications networks. Providers of electronic communications networks other than public should not be subject to those obligations. They may, however, benefit from access to public networks subject to conditions laid down by Member States. However, as a means of end-to-end traffic delivery, providers of electronic communications networks other than public increasingly hand-over traffic to providers of public electronic communications networks in the form of peering or transit. In certain cases, such traffic may give rise to disproportionate or unsustainable investment needs for the receiving providers of public electronic communications networks. ***Such situations*** should be ***addressed in accordance with the guidelines to facilitate ecosystem cooperation adopted by BEREC*** and, where ***appropriate, through the foreseen***	(164) The obligations on access and interconnection should***, as a general rule,*** apply to public electronic communications networks. Providers of electronic communications networks other than public should not be subject to those obligations***, without prejudice to the obligation of significant traffic providers to negotiate interconnection laid down in this Regulation***. They may, however, benefit from access to public networks subject to conditions laid down by Member States. However, as a means of end-to-end traffic delivery, providers of electronic communications networks other than public ***and providers of information society services*** increasingly hand-over traffic to providers of public electronic communications networks in the form of peering or transit***, directly or through content delivery networks***. In certain cases, such traffic may give rise to disproportionate or unsustainable

facility for voluntary conciliation.	investment needs for the receiving providers of public electronic communications networks. ***Where such traffic is originated or delivered by a significant traffic provider, operators of public electronic communications networks*** should be ***able to rely on the obligation to negotiate interconnection*** and, where ***no agreement is reached, on the dispute resolution procedure before the national regulatory authority***.

Or. en

Amendment 93

Proposal for a regulation
Recital 164 a (new)

Text proposed by the Commission	*Amendment*
	(164a) The interoperability of electronic communications services and information society services throughout the Union depends on the efficient interconnection of the networks through which traffic is delivered end-to-end to end-users. Internet traffic has become highly concentrated, with certain undertakings originating or delivering a significant share of the traffic delivered to end-users in the Union, irrespective of their place of establishment and of whether they are providers of electronic communications networks or services. Their traffic has a material impact on network dimensioning and on the conditions of interconnection. The technical and commercial conditions under which those undertakings hand over traffic, including capacity at interconnection points, routing, traffic forecasting and the placement of caches, have a decisive effect on the quality, reliability and interoperability of services as experienced by end-users. Operators of public electronic communications networks providing internet access

services cannot refuse or degrade traffic requested by their end-users, while the undertakings originating that traffic are under no obligation to engage in negotiations on the terms of its hand-over. This structural asymmetry in bargaining power may lead to prolonged or stalled negotiations, putting at risk both network investment and the seamless interoperability of services across networks. It is therefore appropriate, in order to ensure the provision and interoperability of services throughout the Union, to extend the obligation to negotiate interconnection to providers that are not operators of public electronic communications networks, but only where they qualify as significant traffic providers. In order to identify them, on the basis of an objective and transparent criterion it is appropriate to define the concept of significant traffic provider by reference to a share of the total traffic delivered to end-users in the Union, calculated at group level and over a representative period, so that the criterion reflects the undertaking's actual weight in traffic flows and cannot be circumvented by routing traffic through third parties. Limiting the obligation to such providers ensures that it is proportionate and does not affect the large majority of undertakings exchanging traffic on the basis of well-functioning commercial arrangements.

Or. en

Amendment 94

Proposal for a regulation
Recital 164 b (new)

Text proposed by the Commission	*Amendment*
	(164b) Given their share of traffic, the interconnection arrangements of

significant traffic providers have a systemic effect on the interoperability of services across the Union, which justifies subjecting them to the obligation to negotiate interconnection. This obligation should not however affect the rights of end-users to access and distribute information and content of their choice, and should not be construed as permitting providers of internet access services to block, slow down, alter, restrict, interfere with, degrade or discriminate between traffic in breach of the open internet rules. It should not result in any charge being levied on end-users for accessing content, applications or services. The obligation concerns merely the conditions of interconnection and data transport between undertakings and does not prejudge the outcome of negotiations, which may lead to agreements of various kinds, including settlement-free arrangements.

Or. en

Amendment 95

Proposal for a regulation
Recital 176

Text proposed by the Commission	*Amendment*
(176) It is important that when national regulatory authorities assess the concentration or distribution point up to which they intend to impose access, they choose a point in accordance with BEREC guidelines. Selecting, where possible, a point nearer to end-users will be more beneficial to infrastructure competition and the roll-out of ***gigabit*** networks. It could also be justified to impose access obligations to wiring and cables beyond the first concentration or distribution point, where it is demonstrated that replication faces high and non-transitory physical or	(176) It is important that when national regulatory authorities assess the concentration or distribution point up to which they intend to impose access, they choose a point in accordance with BEREC guidelines. Selecting, where possible, a point nearer to end-users will be more beneficial to infrastructure competition and the roll-out of ***very high capacity*** networks. It could also be justified to impose access obligations to wiring and cables beyond the first concentration or distribution point, where it is demonstrated that replication faces high and non-transitory physical or

economic barriers, leading to competition problems or market failures at the retail level to the detriment of end-users. The assessment of the replicability of network elements requires a market analysis, but the national regulatory authority should not be required to impose those obligations. On the other hand, such market analysis requires a sufficient economic assessment of market conditions, to establish whether the criteria necessary to impose obligations beyond the first concentration or distribution point are met. Such access obligations are more likely to be necessary in geographical areas where the business case for alternative infrastructure rollout is not viable or riskier, for example because of low population density. Conversely, normally a high concentration of households might indicate that the imposition of such obligations is unnecessary.

economic barriers, leading to competition problems or market failures at the retail level to the detriment of end-users. The assessment of the replicability of network elements requires a market analysis, but the national regulatory authority should not be required to impose those obligations. On the other hand, such market analysis requires a sufficient economic assessment of market conditions, to establish whether the criteria necessary to impose obligations beyond the first concentration or distribution point are met. Such access obligations are more likely to be necessary in geographical areas where the business case for alternative infrastructure rollout is not viable or riskier, for example because of low population density. Conversely, normally a high concentration of households might indicate that the imposition of such obligations is unnecessary.

Or. en

Amendment 96

Proposal for a regulation
Recital 178

Text proposed by the Commission	*Amendment*
(178) In order to comply with the principle of proportionality, it can be appropriate for national regulatory authorities to exempt certain categories of undertakings from obligations going beyond the first concentration or distribution point, which should be determined by national regulatory authorities, on the grounds that an access obligation not based on an undertaking's designation as having significant market power would risk compromising their business case for recently deployed network elements, in particular by small local projects. Wholesale-only	(178) In order to comply with the principle of proportionality, it can be appropriate for national regulatory authorities to exempt certain categories of undertakings from obligations going beyond the first concentration or distribution point, which should be determined by national regulatory authorities, on the grounds that an access obligation not based on an undertaking's designation as having significant market power would risk compromising their business case for recently deployed network elements, in particular by small local projects. Wholesale-only

undertakings should not be subject to such access obligations if they offer an effective alternative access on a commercial basis to a ***gigabit*** network, on fair, non-discriminatory and reasonable terms and conditions, including as regards price. It should be possible to extend that exemption to other providers on the same terms. The exemption should not apply to providers that are in receipt of public funding.	undertakings should not be subject to such access obligations if they offer an effective alternative access on a commercial basis to a ***very high capacity*** network, on fair, non-discriminatory and reasonable terms and conditions, including as regards price. It should be possible to extend that exemption to other providers on the same terms. The exemption should not apply to providers that are in receipt of public funding.

Or. en

Amendment 97

Proposal for a regulation
Recital 178 a (new)

Text proposed by the Commission	*Amendment*
	(178a) BEREC should, within 12 months after the entry into force of this Regulation, assess the effectiveness of its guidelines on common approaches to the identification of the network termination point in different network topologies and, where appropriate, update them, with a view to contributing to a consistent definition of the location of network termination points by national regulatory authorities, promoting end-users' rights and preventing fragmentation of the internal market for terminal equipment.

Or. en

Amendment 98

Proposal for a regulation
Recital 182

Text proposed by the Commission	*Amendment*
(182) In order to ensure the connection of	(182) In order to ensure the connection of

end-users, national regulatory authorities should oblige any provider ***of electronic communications networks*** to deploy, with reasonable additional build-out, a connecting link between the requesting end-user's home and the nearest distribution or connection point intended to serve their premises.	end-users, national regulatory authorities should ***be able to*** oblige any provider ***deploying a fibre-to-the-home network, where there is no other existing connection to the end-user,*** to deploy, with reasonable additional build-out, a connecting link between the requesting end-user's home and the nearest distribution or connection point intended to serve their premises. ***In areas where the copper switch-off has been mandated, national regulatory authorities should impose such an obligation. Where a household is passed by more than one provider, the national regulatory authority should be able to impose the obligation on only one of them, based on transparent, proportionate and non-discriminatory criteria, and to oblige another provider passing the same household where the selected provider substantiates its inability to comply.***
	Or. en

Amendment 99

Proposal for a regulation
Recital 183

Text proposed by the Commission	*Amendment*
(183) In principle the prices charged for this connection should not exceed the usual connection fees in the ***Member State*** concerned. However, national regulatory authorities may allow an additional fee, having regard to the geographic conditions and any other relevant conditions, provided that the costs paid by the end-users are fair and reasonable and may intervene to set maximum prices where needed. National regulatory authorities should be allowed to use existing contracts and commercial terms and conditions agreed between retail services providers and end-users as a benchmark to determine whether prices,	(183) In principle the prices charged for this connection should not exceed the usual connection fees ***normally applicable*** in the ***area*** concerned. However, national regulatory authorities may allow an additional fee, having regard to the geographic conditions and any other relevant conditions, provided that the costs paid by the end-users are fair and reasonable and may intervene to set maximum prices where needed. National regulatory authorities should be allowed to use existing contracts and commercial terms and conditions agreed between retail services providers and end-users as a

and terms and conditions are fair and reasonable.

benchmark to determine whether prices, and terms and conditions are fair and reasonable.

Or. en

Amendment 100

Proposal for a regulation
Recital 188

Text proposed by the Commission	*Amendment*
(188) There is a need for ex ante obligations in certain circumstances in order to ensure the development of a competitive market, the conditions of which favour the deployment and take-up of ***gigabit*** networks and services, and the maximisation of end-user benefits. In assessing the need for ex ante regulatory intervention, national regulatory authorities should take into account whether wholesale access is available to any interested undertaking on the basis of either already existing regulation (in particular based on Regulation (EU) 2024/1309) or commercial conditions permitting sustainable competitive outcomes for end-users on the retail market. If those access possibilities are not sufficiently significant , the national regulatory authority should assess without delay whether it is necessary to impose the obligations on undertakings designated as having significant market power. It is essential that ex ante regulatory obligations are imposed on a wholesale market only where there are one or more undertakings with significant market power, with a view to ensuring sustainable competition and where Union and national competition law are not sufficient to address the problem. The concept of significant market power should be in line with the concept of dominance as defined in the case-law of the Court of	(188) There is a need for ex ante obligations in certain circumstances in order to ensure the development of a competitive market, the conditions of which favour the deployment and take-up of ***very high capacity*** networks and services, and the maximisation of end-user benefits. In assessing the need for ex ante regulatory intervention, national regulatory authorities should take into account whether wholesale access is available to any interested undertaking on the basis of either already existing regulation (in particular based on Regulation (EU) 2024/1309) or commercial conditions permitting sustainable competitive outcomes for end-users on the retail market. If those access possibilities are not sufficiently significant , the national regulatory authority should assess without delay whether it is necessary to impose the obligations on undertakings designated as having significant market power. It is essential that ex ante regulatory obligations are imposed on a wholesale market only where there are one or more undertakings with significant market power, with a view to ensuring sustainable competition and where Union and national competition law are not sufficient to address the problem. The concept of significant market power should be in line with the concept of dominance as defined in the case-law of

Justice.	the Court of Justice.

Or. en

Amendment 101

Proposal for a regulation
Recital 190

Text proposed by the Commission	*Amendment*
(190) In its regular assessment of the market trends in the Union, the Commission should take into account the feedback of stakeholders. The results of the stakeholders' consultation should be made publicly available in a report. In its assessment of whether the adoption of a Commission Recommendation on relevant product and service markets ('the markets Recommendation') is required, the Commission will assess whether any relevant product and service market meets the three criteria test. The Commission may adopt the markets Recommendation, after public consultation, including with national regulatory authorities, and taking account of the opinion of BEREC.	(190) In its regular assessment of the market trends in the Union***, which should be carried out at least every three years***, the Commission should take into account the feedback of stakeholders. The results of the stakeholders' consultation should be made publicly available in a report. In its assessment of whether the adoption of a Commission Recommendation on relevant product and service markets ('the markets Recommendation') is required, the Commission will assess whether any relevant product and service market meets the three criteria test. The Commission may adopt the markets Recommendation, after public consultation, including with national regulatory authorities, and taking account of the opinion of BEREC. ***Where the Commission decides not to update the markets Recommendation, it should publish a summary of its analysis. The markets Recommendation should identify the product and service markets whose characteristics may justify the imposition of ex ante regulatory obligations at Union level and should also contain methodological guidance for market definition and market analysis, as well as for the assessment of competitive constraints and geographical market differentiation.***

Or. en

Amendment 102

Proposal for a regulation
Recital 196

Text proposed by the Commission	*Amendment*
(196) Wholesale regulation should solve problems at the retail level. National regulatory authorities should conduct its assessment for each individual wholesale market considered for regulation, starting with remedies for access to civil infrastructure, as such remedies are usually conducive to more sustainable competition including infrastructure competition, and thereafter analysing any wholesale markets considered susceptible to ex ante regulation in order of their likely suitability to address identified competition problems at retail level. When deciding on the specific remedy to be imposed, national regulatory authorities should consider the consequences of imposing any specific remedy which, if feasible only on certain network topologies, could constitute a disincentive for the deployment of ***gigabit*** networks in the interest of end-users.	(196) Wholesale regulation should solve problems at the retail level***. Where an undertaking is designated as having significant market power, national regulatory authorities should first consider any commitments offered by that undertaking and, only where none have been offered or those offered are clearly not sufficient to address the main competition concerns identified in the market analysis, choose the next least intrusive way of addressing those concerns. Before deciding on other obligations, they should assess whether the provision of access to passive networks, possibly combined with obligations of transparency, non-discrimination and accounting separation and accompanied by price control and cost accounting, is adequate, proportionate and sufficient. Only where those obligations are not sufficient should they consider imposing the obligation to offer the Union harmonised access product, and only where they provide substantiated justification that the obligations referred to above do not suffice should they impose access to, and use of, specific network elements and associated facilities***. National regulatory authorities should conduct its assessment for each individual wholesale market considered for regulation, starting with remedies for access to civil infrastructure, as such remedies are usually conducive to more sustainable competition including infrastructure competition, and thereafter analysing any wholesale markets considered susceptible to ex ante regulation in order of their likely suitability to address identified competition problems at retail level. When deciding on the specific

remedy to be imposed, national regulatory authorities should consider the consequences of imposing any specific remedy which, if feasible only on certain network topologies, could constitute a disincentive for the deployment of ***very high capacity*** networks in the interest of end-users.

Or. en

Amendment 103

Proposal for a regulation
Recital 199

Text proposed by the Commission	*Amendment*
(199) In order to provide market players with certainty as to regulatory conditions, a time limit for market reviews is necessary. It is important to conduct a market analysis on a regular basis and within a reasonable and appropriate timeframe. There is a risk that failure by a national regulatory authority to analyse a market within the time-limit jeopardises the internal market.	(199) In order to provide market players with certainty as to regulatory conditions, a time limit for market reviews is necessary. It is important to conduct a market analysis on a regular basis and within a reasonable and appropriate timeframe. ***National regulatory authorities should conclude a market analysis within one year, which may be extended to two years in justified cases, and should review the markets where ex ante regulation is imposed every three years.*** There is a risk that failure by a national regulatory authority to analyse a market within the time-limit jeopardises the internal market.

Or. en

Amendment 104

Proposal for a regulation
Recital 201

Text proposed by the Commission	*Amendment*
(201) In the interest of greater stability and predictability of regulatory measures,	(201) In the interest of greater stability and predictability of regulatory measures,

the maximum period allowed between market analyses should remain five years, provided market changes in the intervening period do not require a new analysis and without prejudice to the possibility of imposing interim measures. National regulatory authorities should comply with its obligation to analyse markets and notified the corresponding draft measure at a minimum every five years, to ensure that the applicable regulation reflects competitive condition in the market. This is why, only a notification including a new assessment of the market definition and of significant market power should be considered to be starting a new five-year market cycle.	the maximum period allowed between market analyses should***, in principle,*** remain five years, provided market changes in the intervening period do not require a new analysis and without prejudice to the possibility of imposing interim measures. National regulatory authorities should comply with its obligation to analyse markets and notified the corresponding draft measure at a minimum every five years, to ensure that the applicable regulation reflects competitive condition in the market. This is why, only a notification including a new assessment of the market definition and of significant market power should be considered to be starting a new five-year market cycle.

Or. en

Amendment 105

Proposal for a regulation
Recital 204

Text proposed by the Commission	*Amendment*
(204) Reviews of obligations imposed on undertakings designated as having significant market power during the timeframe of a market analysis should allow national regulatory authorities to take into account the impact on competitive conditions of new market developments. Transparency, non-discrimination***,*** accounting separation, price control and cost accounting ***could be envisaged as complements to the imposition of the*** Union harmonised access products. Where obligations are imposed on undertakings that require them to meet reasonable requests for access to and use of networks elements and associated facilities, such requests should be refused only on the basis of objective criteria such as technical feasibility or the need to maintain network	(204) Reviews of obligations imposed on undertakings designated as having significant market power during the timeframe of a market analysis should allow national regulatory authorities to take into account the impact on competitive conditions of new market developments. ***Before deciding on other obligations, they should assess whether access to passive network infrastructure, in possible combination with obligations of*** transparency, non-discrimination ***and*** accounting separation, ***and accompanied where appropriate by*** price control and cost accounting ***obligations, is adequate, proportionate and sufficient to address the competition concerns identified. Only where those obligations are not sufficient should national regulatory authorities***

integrity. Where access is refused, the aggrieved party should be able to submit the case to the dispute resolutions procedures under this Regulation. An undertaking with mandated access obligations cannot be required to provide types of access which it is not within its power to provide. The imposition by national regulatory authorities of mandated access that increases competition in the short term should not reduce incentives for competitors to invest in alternative facilities that will secure more sustainable competition or higher performance and end-user benefits in the long term. When choosing the least intrusive regulatory intervention, and in line with the principle of proportionality, national regulatory authorities could, for example, decide to review the obligations imposed on undertakings designated as having significant market power and amend any previous decision, including by withdrawing obligations, imposing or not imposing new access obligations if this is in the interests of users and sustainable service competition. Since technical details of access obligation may play a key role in the ability to effectively replicate the access providers' services and compete at retail level, national regulatory authorities should be able to impose technical and operational conditions on the provider or beneficiaries of mandated access in accordance with Union law. In particular the imposition of technical standards should comply with Directive (EU) 2015/1535. National regulatory authorities should, when imposing obligations for access to new and enhanced infrastructures, ensure that access conditions reflect the circumstances underlying the investment decision, taking into account, among others, the roll-out costs, the expected rate of take up of the new products and services and the expected retail price levels. Moreover, in order to provide planning certainty to investors, national regulatory authorities

consider imposing the obligation to offer Union harmonised access products***, and only on the basis of a substantiated justification should they impose obligations of access to specific active or virtual network elements and associated facilities. Where an undertaking has obligations concerning wholesale access to network infrastructure, national regulatory authorities should ensure the publication of a reference offer taking utmost account of BEREC guidelines on its minimum criteria, together with key performance indicators and corresponding service levels where relevant***. Where obligations are imposed on undertakings that require them to meet reasonable requests for access to and use of networks elements and associated facilities, such requests should be refused only on the basis of objective criteria such as technical feasibility or the need to maintain network integrity. Where access is refused, the aggrieved party should be able to submit the case to the dispute resolutions procedures under this Regulation. An undertaking with mandated access obligations cannot be required to provide types of access which it is not within its power to provide. The imposition by national regulatory authorities of mandated access that increases competition in the short term should not reduce incentives for competitors to invest in alternative facilities that will secure more sustainable competition or higher performance and end-user benefits in the long term. When choosing the least intrusive regulatory intervention, and in line with the principle of proportionality, national regulatory authorities could, for example, decide to review the obligations imposed on undertakings designated as having significant market power and amend any previous decision, including by withdrawing obligations, imposing or not imposing new access obligations if this is in the interests of users and sustainable service competition. Since technical details

should be able to set, if applicable, terms and conditions ed provided they have no discriminatory effect. Any access conditions imposed should respect the need to preserve effective competition in services to consumers and businesses.

of access obligation may play a key role in the ability to effectively replicate the access providers' services and compete at retail level, national regulatory authorities should be able to impose technical and operational conditions on the provider or beneficiaries of mandated access in accordance with Union law. In particular the imposition of technical standards should comply with Directive (EU) 2015/1535. National regulatory authorities should, when imposing obligations for access to new and enhanced infrastructures, ensure that access conditions reflect the circumstances underlying the investment decision, taking into account, among others, the roll-out costs, the expected rate of take up of the new products and services and the expected retail price levels. Moreover, in order to provide planning certainty to investors, national regulatory authorities should be able to set, if applicable, terms and conditions ed provided they have no discriminatory effect. Any access conditions imposed should respect the need to preserve effective competition in services to consumers and businesses.

Or. en

Amendment 106

Proposal for a regulation
Recital 205

Text proposed by the Commission	*Amendment*
(205) Mandating access to network infrastructure can be justified as a means of increasing competition, but national regulatory authorities need to balance the rights of an infrastructure owner to exploit its infrastructure for its own benefit, and the rights of other service providers to access facilities that are essential for the provision of services. Mandating access to	(205) Mandating access to network infrastructure can be justified as a means of increasing competition, but national regulatory authorities need to balance the rights of an infrastructure owner to exploit its infrastructure for its own benefit, and the rights of other service providers to access facilities that are essential for the provision of services. Mandating access to

network infrastructure can be justified as a means of increasing competition, but national regulatory authorities need to balance the rights of an infrastructure owner to exploit its infrastructure for its own benefit, and the rights of other service providers to access facilities that are essential for the provision of competing services. Price control may be necessary when market analysis in a particular market reveals ineffective competition. In particular, undertakings designated as having significant market power should avoid a price squeeze whereby the difference between their retail prices and the interconnection or access prices charged to competitors who provide similar retail services is not adequate to ensure sustainable competition. When a national regulatory authority calculates costs incurred in establishing a service mandated under this Regulation, it is appropriate to allow a reasonable return on the capital employed by the operators having significant market power, including appropriate labour and building costs, with the value of capital adjusted where necessary to reflect the current valuation of assets and efficiency of operations. The method of cost recovery should be appropriate to the circumstances taking account of the need to promote efficiency, ***sustainable*** competition and deployment of ***gigabit*** networks ***and should take in account gigabit connectivity***. National regulatory authorities should be able to decide to maintain or not to impose regulated wholesale access prices on next-generation networks if sufficient competition safeguards are present. More specifically, to prevent excessive prices in markets where there are undertakings designated as having significant market power, pricing flexibility should be accompanied by additional safeguards to protect competition and end-user interests, such as strict non-discrimination obligations, measures to ensure technical and economic replicability of downstream

network infrastructure can be justified as a means of increasing competition, but national regulatory authorities need to balance the rights of an infrastructure owner to exploit its infrastructure for its own benefit, and the rights of other service providers to access facilities that are essential for the provision of competing services. Price control may be necessary when market analysis in a particular market reveals ineffective competition. In particular, undertakings designated as having significant market power should avoid a price squeeze whereby the difference between their retail prices and the interconnection or access prices charged to competitors who provide similar retail services is not adequate to ensure sustainable competition. When a national regulatory authority calculates costs incurred in establishing a service mandated under this Regulation, it is appropriate to allow a reasonable return on the capital employed by the operators having significant market power, including appropriate labour and building costs, with the value of capital adjusted where necessary to reflect the current valuation of assets and efficiency of operations. The method of cost recovery should be appropriate to the circumstances taking account of the need to promote efficiency, ***long-term*** competition and deployment of ***very high capacity*** networks. National regulatory authorities should be able to decide to maintain or not to impose regulated wholesale access prices on next-generation networks if sufficient competition safeguards are present. More specifically, to prevent excessive prices in markets where there are undertakings designated as having significant market power, pricing flexibility should be accompanied by additional safeguards to protect competition and end-user interests, such as strict non-discrimination obligations, measures to ensure technical and economic replicability of downstream products, and a demonstrable retail price

products, and a demonstrable retail price constraint resulting from infrastructure competition or a price anchor stemming from other regulated access products, or both. Those competitive safeguards do not prejudice the identification by national regulatory authorities of other circumstances under which it would be appropriate not to impose regulated access prices for certain wholesale inputs, such as where high price elasticity of end-user demand makes it unprofitable for the undertaking designated as having significant market power to charge prices appreciably above the competitive level or where lower population density reduces the incentives for the development of ***gigabit*** networks and the national regulatory authority establishes that effective and non-discriminatory access is ensured through obligations imposed.

constraint resulting from infrastructure competition or a price anchor stemming from other regulated access products, or both. Those competitive safeguards do not prejudice the identification by national regulatory authorities of other circumstances under which it would be appropriate not to impose regulated access prices for certain wholesale inputs, such as where high price elasticity of end-user demand makes it unprofitable for the undertaking designated as having significant market power to charge prices appreciably above the competitive level or where lower population density reduces the incentives for the development of ***very high capacity*** networks and the national regulatory authority establishes that effective and non-discriminatory access is ensured through obligations imposed.

Or. en

Amendment 107

Proposal for a regulation
Recital 206

Text proposed by the Commission	*Amendment*
(206) Civil engineering assets that can host an electronic communications network are crucial for the successful roll-out of new networks because of the high cost of duplicating them, and the significant savings that can be made when they can be reused. Therefore, in addition to the rules on physical infrastructure laid down in Regulation (EU) 2024/1309, a specific remedy is necessary in those circumstances where civil engineering assets are owned by an undertaking designated as having significant market power. Where civil engineering assets exist and are reusable, the positive effect of achieving effective access to them on the roll-out of competing	(206) Civil engineering assets that can host an electronic communications network are crucial for the successful roll-out of new networks because of the high cost of duplicating them, and the significant savings that can be made when they can be reused. Therefore, in addition to the rules on physical infrastructure laid down in Regulation (EU) 2024/1309, a specific remedy is necessary in those circumstances where civil engineering assets are owned by an undertaking designated as having significant market power. Where civil engineering assets exist and are reusable, the positive effect of achieving effective access to them on the roll-out of competing

infrastructure is very high, and it is therefore necessary to ensure that access to such assets can be used as a self-standing remedy for the improvement of competitive and deployment dynamics in any downstream market, to be considered before assessing the need to impose any other potential remedies, and not just as an ancillary remedy to other wholesale products or services or as a remedy limited to undertakings availing themselves of such other wholesale products or services. National regulatory authorities should value reusable legacy civil engineering assets on the basis of the regulatory accounting value net of the accumulated depreciation at the time of calculation, indexed by an appropriate price index, such as the retail price index, and excluding those assets which are fully depreciated, over a period of not less than 40 years, but still in use. When also based on the information gathered on deployment of ***gigabit*** infrastructures, it results that access to physical infrastructure it is a crucial precondition for the deployed networks and thus for the downstream market, the identification of a separate physical infrastructure market may be considered also to provide long term regulatory predictability.

infrastructure is very high, and it is therefore necessary to ensure that access to such assets can be used as a self-standing remedy for the improvement of competitive and deployment dynamics in any downstream market, to be considered before assessing the need to impose any other potential remedies, and not just as an ancillary remedy to other wholesale products or services or as a remedy limited to undertakings availing themselves of such other wholesale products or services. National regulatory authorities should value reusable legacy civil engineering assets on the basis of the regulatory accounting value net of the accumulated depreciation at the time of calculation, indexed by an appropriate price index, such as the retail price index, and excluding those assets which are fully depreciated, over a period of not less than 40 years, but still in use. When also based on the information gathered on deployment of ***very high capacity*** infrastructures, it results that access to physical infrastructure it is a crucial precondition for the deployed networks and thus for the downstream market, the identification of a separate physical infrastructure market may be considered also to provide long term regulatory predictability.

Or. en

Amendment 108

Proposal for a regulation
Recital 208

Text proposed by the Commission	*Amendment*
(208) National regulatory authorities should accordingly assess whether the replacement of obligations previously imposed on undertakings with significant market power to provide wholesale access to ***gigabit*** networks with an obligation to	(208) National regulatory authorities should accordingly assess whether the replacement of obligations previously imposed on undertakings with significant market power to provide wholesale access to ***very high capacity*** networks with an

supply a European harmonised access product would be appropriate and proportionate.

obligation to supply a European harmonised access product would be appropriate and proportionate.

Or. en

Amendment 109

Proposal for a regulation
Recital 209

Text proposed by the Commission	*Amendment*
(209) In consideration of the constantly evolving market and technological developments, the Commission should be empowered to adopt ***implementing*** acts to define the technical ***requirements*** of European access products as needs be.	(209) In consideration of the constantly evolving market and technological developments, the Commission should be empowered to adopt ***delegated*** acts to define the technical ***specifications, standard cost elements, cost methodologies and the reference offer*** of European ***harmonised*** access products as needs be***, taking utmost account of the opinion of BEREC and after consulting stakeholders***.

Or. en

Amendment 110

Proposal for a regulation
Recital 210

Text proposed by the Commission	*Amendment*
(210) Where a national regulatory authority has concluded that a European harmonised access product would be appropriate and proportionate, it should impose it on the undertaking with significant power concerned. The imposition of ***the*** European harmonised access ***products*** should ***take precedence over the imposition of any other remedies***. National regulatory authorities should impose obligations of access to, and use of,	(210) Where a national regulatory authority has concluded that a European harmonised access product would be appropriate and proportionate, it should impose it on the undertaking with significant power concerned. The imposition of ***a*** European harmonised access ***product*** should ***be considered where access to passive network infrastructure, in possible combination with obligations of transparency, non-***

specific networks elements and associated facilities only where a European harmonised access product would not be sufficient to address the competitive problems on a specific market.

discrimination and accounting separation, is not sufficient to address the main competition concerns. National regulatory authorities should impose obligations of access to, and use of, specific networks elements and associated facilities only where a European harmonised access product would not be sufficient to address the competitive problems on a specific market ***and on the basis of a substantiated justification***.

Or. en

Amendment 111

Proposal for a regulation
Recital 211

Text proposed by the Commission	*Amendment*
(211) The pricing of access to newly built civil-engineering infrastructure of the undertakings designated as having significant market power for the deployment of ***gigabit*** networks by alternative operators could have an impact on the SMP operator's incentives to build new civil-engineering infrastructure with sufficient capacity to host alternative networks. The price for access to the newly built civil-engineering infrastructure should reflect current market conditions and should be based on the full actual costs incurred by the SMP operator, as long as strict non-discrimination is ensured in the terms and conditions of access to such infrastructure. Such an approach would provide the right incentives for investing in new civil-engineering infrastructure. Moreover, depending on market circumstances, building significant new civil-engineering infrastructure may represent for the SMP operator a risk-investment profile higher than the risk profile associated with the reuse of legacy civil-engineering infrastructure. That risk	(211) The pricing of access to newly built civil-engineering infrastructure of the undertakings designated as having significant market power for the deployment of ***very high capacity*** networks by alternative operators could have an impact on the SMP operator's incentives to build new civil-engineering infrastructure with sufficient capacity to host alternative networks. The price for access to the newly built civil-engineering infrastructure should reflect current market conditions and should be based on the full actual costs incurred by the SMP operator, as long as strict non-discrimination is ensured in the terms and conditions of access to such infrastructure. Such an approach would provide the right incentives for investing in new civil-engineering infrastructure. Moreover, depending on market circumstances, building significant new civil-engineering infrastructure may represent for the SMP operator a risk-investment profile higher than the risk profile associated with the reuse of legacy civil-engineering infrastructure. That risk

profile would involve risks in terms of incurred costs and in terms of expected revenues, which should be assessed by the NRAs. However, where equivalence of access obligation (equivalence of input or output) is effectively implemented and there is a proven retail market price constraint, complemented by economic replicability of downstream products, national regulatory authorities should in principle refrain from imposing regulated prices. Such obligations should consist, for instance, of technical and economic replicability tests, combined with monitoring mechanisms. The retail market price constraint could arise from infrastructural competition, clear commitments made by alternative providers to deploy ***gigabit*** networks in underserved areas as resulting from geographical surveys, and regulated anchor products subject to cost orientation. Where a national regulatory authority imposes obligations to implement a cost-accounting system in order to support price controls, it should be able to undertake an annual audit to ensure compliance with that cost-accounting system, provided that it has the necessary qualified staff, or to require such an audit to be carried out by another qualified body, independent of the undertaking concerned. The charging system in the Union for wholesale voice call termination is based on Calling Party Network Pays. An analysis of demand and supply substitutability shows that currently or in the foreseeable future, there are no substitutes at wholesale level which might constrain the setting of charges for termination in a given network. Taking into account the two-way access nature of termination markets, further potential competition problems include cross-subsidisation between operators. Those potential competition problems are common to both fixed and mobile voice call termination markets. Therefore, in light of the ability and incentives of terminating operators to raise prices

profile would involve risks in terms of incurred costs and in terms of expected revenues, which should be assessed by the NRAs. However, where equivalence of access obligation (equivalence of input or output) is effectively implemented and there is a proven retail market price constraint, complemented by economic replicability of downstream products, national regulatory authorities should in principle refrain from imposing regulated prices. Such obligations should consist, for instance, of technical and economic replicability tests, combined with monitoring mechanisms. The retail market price constraint could arise from infrastructural competition, clear commitments made by alternative providers to deploy ***very high capacity*** networks in underserved areas as resulting from geographical surveys, and regulated anchor products subject to cost orientation. Where a national regulatory authority imposes obligations to implement a cost-accounting system in order to support price controls, it should be able to undertake an annual audit to ensure compliance with that cost-accounting system, provided that it has the necessary qualified staff, or to require such an audit to be carried out by another qualified body, independent of the undertaking concerned. The charging system in the Union for wholesale voice call termination is based on Calling Party Network Pays. An analysis of demand and supply substitutability shows that currently or in the foreseeable future, there are no substitutes at wholesale level which might constrain the setting of charges for termination in a given network. Taking into account the two-way access nature of termination markets, further potential competition problems include cross-subsidisation between operators. Those potential competition problems are common to both fixed and mobile voice call termination markets. Therefore, in light of the ability and incentives of terminating operators to raise prices

substantially above cost, cost orientation is considered to be the most appropriate intervention to address this concern over the medium term. Future market developments may alter the dynamics of those markets to the extent that regulation would no longer be necessary.

substantially above cost, cost orientation is considered to be the most appropriate intervention to address this concern over the medium term. Future market developments may alter the dynamics of those markets to the extent that regulation would no longer be necessary.

Or. en

Amendment 112

Proposal for a regulation
Recital 213

Text proposed by the Commission	*Amendment*
(213) In order to take account of market, social and technological developments, including evolution of technical standards, to manage the risks posed to security of networks and services and to ensure effective access to emergency services through emergency communications, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting a single maximum Union-wide voice termination rate in fixed and mobile markets; fraud preventing measures; measures related to adopting measures related to emergency communications in the Union; and amending the annexes to this Regulation in order to take account of technological and social development or changes in market demand. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[28] . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council	(213) In order to take account of market, social and technological developments, including evolution of technical standards, to manage the risks posed to security of networks and services and to ensure effective access to emergency services through emergency communications, the power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting ***up the Union radio spectrum strategy; defining the size of the portion, the procedure and the award conditions for the authorisation of radio spectrum use at Union level; laying down common European methodologies for defining annual fees and reserve prices for radio spectrum and the methodology for radio spectrum fees for satellite communications services; laying down the conditions of the Union satellite authorisation; setting out the technical specifications, standard cost elements, cost methodologies and the reference offer for Union harmonised access products; setting*** a single maximum Union-wide voice termination rate in fixed and mobile markets***; determining the methodology for defining the adequate internet access service and the criteria***

receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

and methodology for assessing affordability; laying down the conditions for the offering of services other than internet access services; fraud preventing measures; measures related to adopting measures related to emergency communications in the Union; and amending the annexes to this Regulation in order to take account of technological and social development or changes in market demand. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[28] . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

[28] OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

[28] OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

Or. en

Amendment 113

Proposal for a regulation
Recital 214

Text proposed by the Commission	*Amendment*
(214) It is already possible today in some markets that as part of the market analysis the undertakings designated as having significant market power are able to offer commitments which aim to address competition problems identified by the	(214) It is already possible today in some markets that as part of the market analysis the undertakings designated as having significant market power are able to offer commitments which aim to address competition problems identified by the

national regulatory authority and which the national regulatory authority then takes into account in deciding on the appropriate regulatory obligations. Such remedies may also consist in transferring local access network assets or a substantial part thereof to a separate legal entity under different ownership or in the establishment of a separate business entity. Any new market developments should be taken into account in deciding on the most appropriate remedies capable of ensuring long-term effectiveness. However, and without prejudice to the provisions on the regulatory treatment of wholesale-only undertakings, the nature of the commitments offered as such does not limit the discretion accorded to the national regulatory authority to impose remedies on undertakings designated as having significant market power. In order to enhance transparency and to provide legal certainty across the Union, the procedure for undertakings to offer commitments and for the national regulatory authorities to assess them, taking into account the views of market participants by means of a market test, and where appropriate to make them binding on the committing undertaking and enforceable by the national regulatory authority, should be laid down in this Regulation. Unless the national regulatory authority has made commitments binding and decided not to impose obligations, that procedure is without prejudice to the application of the market analysis procedure and the obligation to impose appropriate and proportionate remedies to address the identified market failure.

national regulatory authority and which the national regulatory authority then takes into account in deciding on the appropriate regulatory obligations***. In accordance with the principle of proportionality, national regulatory authorities should in the first instance consider commitments offered by the undertaking concerned, and should choose the next least intrusive obligation only where no commitments have been offered or where those offered are clearly not sufficient to address the main competition concerns identified in the market analysis***. Such remedies may also consist in transferring local access network assets or a substantial part thereof to a separate legal entity under different ownership or in the establishment of a separate business entity. Any new market developments should be taken into account in deciding on the most appropriate remedies capable of ensuring long-term effectiveness. However, and without prejudice to the provisions on the regulatory treatment of wholesale-only undertakings, ***the obligation to consider commitments in the first instance and*** the nature of the commitments offered as such does not limit the discretion accorded to the national regulatory authority to impose remedies on undertakings designated as having significant market power. In order to enhance transparency and to provide legal certainty across the Union, the procedure for undertakings to offer commitments and for the national regulatory authorities to assess them, taking into account the views of market participants by means of a market test, and where appropriate to make them binding on the committing undertaking and enforceable by the national regulatory authority, should be laid down in this Regulation. Unless the national regulatory authority has made commitments binding and decided not to impose obligations, that procedure is without prejudice to the application of the market analysis procedure and the obligation to impose

appropriate and proportionate remedies to address the identified market failure.

Or. en

Amendment 114

Proposal for a regulation
Recital 215

Text proposed by the Commission	*Amendment*
(215) National regulatory authorities should be able to make the commitments binding, wholly or in part, for a specific period which should not exceed the period for which they are offered, after having conducted a market test by means of a public consultation of interested parties. Where the commitments have been made binding, the national regulatory authority should consider the consequences of this decision in its market analysis and take them into account when choosing the most appropriate regulatory measures. National regulatory authorities should assess the commitments made in a forward-looking perspective of sustainability, in particular when choosing the period for which they are made binding, and should have regard to the need to ensure stable and predictable market conditions. Binding commitments related to voluntary separation by a vertically integrated undertaking which has been designated as having significant market power in one or more relevant markets can add predictability and transparency by setting out the process of implementation of the planned separation of an undertaking designated as having significant market power. To assist the national regulatory authorities in overseeing the parties' compliance, the commitments may include the appointment of a monitoring trustee, whose identity and mandate should be approved by the national regulatory authority, and the	(215) National regulatory authorities should be able to make the commitments binding, wholly or in part, for a specific period which should not exceed the period for which they are offered, after having conducted a market test by means of a public consultation of interested parties**.** ***The commitments offered should last at least until the next market analysis***. Where the commitments have been made binding, the national regulatory authority should consider the consequences of this decision in its market analysis and take them into account when choosing the most appropriate regulatory measures. National regulatory authorities should assess the commitments made in a forward-looking perspective of sustainability, in particular when choosing the period for which they are made binding, and should have regard to the need to ensure stable and predictable market conditions. Binding commitments related to voluntary separation by a vertically integrated undertaking which has been designated as having significant market power in one or more relevant markets can add predictability and transparency by setting out the process of implementation of the planned separation of an undertaking designated as having significant market power. To assist the national regulatory authorities in overseeing the parties' compliance, the commitments may include the appointment of a monitoring trustee, whose identity and

obligation on the undertaking offering them to provide periodic implementation reports.

mandate should be approved by the national regulatory authority, and the obligation on the undertaking offering them to provide periodic implementation reports.

Or. en

Amendment 115

Proposal for a regulation
Recital 216

Text proposed by the Commission	*Amendment*
(216) Network owners whose business model is limited to the provision of wholesale services to others, can be beneficial to the creation of a thriving wholesale market, with positive effects on retail competition downstream. Furthermore, their business model, although less attractive for short term investors, can be attractive to potential financial investors in less volatile infrastructure assets and with longer term perspectives on deployment of ***gigabit*** networks. Nevertheless, the presence of a wholesale-only undertaking does not necessarily lead to effectively competitive retail markets, and wholesale-only undertakings can be designated as having significant market power in particular product and geographic markets. Certain competition risks arising from the behaviour of undertakings following wholesale-only business models might be lower than for vertically integrated undertakings, provided the wholesale-only model is genuine and no incentives to discriminate between downstream providers exist. The regulatory response should therefore be commensurately less intrusive, but should preserve in particular the possibility to introduce obligations in relation to fair and reasonable pricing. On the other hand, national regulatory	(216) Network owners whose business model is limited to the provision of wholesale services to others, can be beneficial to the creation of a thriving wholesale market, with positive effects on retail competition downstream. Furthermore, their business model, although less attractive for short term investors, can be attractive to potential financial investors in less volatile infrastructure assets and with longer term perspectives on deployment of ***very high capacity*** networks. Nevertheless, the presence of a wholesale-only undertaking does not necessarily lead to effectively competitive retail markets, and wholesale-only undertakings can be designated as having significant market power in particular product and geographic markets. Certain competition risks arising from the behaviour of undertakings following wholesale-only business models might be lower than for vertically integrated undertakings, provided the wholesale-only model is genuine and no incentives to discriminate between downstream providers exist. The regulatory response should therefore be commensurately less intrusive, but should preserve in particular the possibility to introduce obligations in relation to fair and reasonable pricing. On the other hand, national regulatory

authorities should be able to intervene if competition problems have arisen to the detriment of end-users. This would be particularly important in those areas where, after completion of the copper switch-off process, a wholesale-only undertaking may remain as the sole provider of a ***gigabit*** network. An undertaking active on a wholesale market that supplies retail services solely to business users larger than small and medium-sized enterprises should be regarded as a wholesale-only undertaking.	authorities should be able to intervene if competition problems have arisen to the detriment of end-users. This would be particularly important in those areas where, after completion of the copper switch-off process, a wholesale-only undertaking may remain as the sole provider of a ***very high capacity*** network. An undertaking active on a wholesale market that supplies retail services solely to business users larger than small and medium-sized enterprises should be regarded as a wholesale-only undertaking.

Or. en

Amendment 116

Proposal for a regulation
Recital 217

Text proposed by the Commission	*Amendment*
(217) The Union mechanism allowing the Commission to require national regulatory authorities to withdraw planned measures concerning market definition and the designation of undertakings as having significant market power has contributed significantly to a consistent approach in identifying the circumstances in which ex ante regulation may be applied and those in which the undertakings are subject to such regulation. The experience of the procedures, under Article 32 and 33 of Directive (EU) 2018/1972 has shown that inconsistencies in the national regulatory authorities' application of remedies under similar market conditions undermine the internal market in electronic communications. Therefore, it is still necessary to empower the Commission and BEREC, within their respective responsibilities, to ensure a higher level of consistency in the application of remedies concerning draft measures proposed by national regulatory authorities. With regard	(217) The Union mechanism allowing the Commission to require national regulatory authorities to withdraw planned measures concerning market definition and the designation of undertakings as having significant market power has contributed significantly to a consistent approach in identifying the circumstances in which ex ante regulation may be applied and those in which the undertakings are subject to such regulation. The experience of the procedures, under Article 32 and 33 of Directive (EU) 2018/1972 has shown that inconsistencies in the national regulatory authorities' application of remedies under similar market conditions undermine the internal market in electronic communications. Therefore, it is still necessary to empower the Commission and BEREC, within their respective responsibilities, to ensure a higher level of consistency in the application of remedies concerning draft measures proposed by national regulatory authorities. ***The***

to draft measures relating to the extension of obligations beyond the first concentration or distribution point, where needed to address high and non-transitory economic or physical barriers to replication, on undertakings irrespective of a designation as having significant market power, or to the regulatory treatment of new ***gigabit*** network elements, it is still necessary that the Commission should be able to require a national regulatory authority to withdraw a draft measure. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions or recommendations.

Commission should be able to require a national regulatory authority not to adopt a draft measure imposing, amending or withdrawing remedies only where BEREC at least partially shares the Commission's serious doubts. With regard to draft measures relating to the extension of obligations beyond the first concentration or distribution point, where needed to address high and non-transitory economic or physical barriers to replication, on undertakings irrespective of a designation as having significant market power, or to the regulatory treatment of new ***very high capacity*** network elements, it is still necessary that the Commission should be able to require a national regulatory authority to withdraw a draft measure ***where it determines a serious violation of the relevant provisions of this Regulation***. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions or recommendations.

Or. en

Amendment 117

Proposal for a regulation
Recital 231

Text proposed by the Commission	*Amendment*
(231) The speed of internet access experienced by a given user depends on a number of factors, including the providers of internet connectivity as well as the given application for which a connection is being used. It is for the Member States, taking into account BEREC guidelines, to define adequate internet access in light of the minimum bandwidth enjoyed by the majority of consumers within a Member State's territory in order to allow an adequate level of social inclusion and	(231) The speed of internet access experienced by a given user depends on a number of factors, including the providers of internet connectivity as well as the given application for which a connection is being used. It is for the Member States, taking into account BEREC guidelines, to define adequate internet access in light of the minimum bandwidth enjoyed by the majority of consumers within a Member State's territory in order to allow an adequate level of social inclusion and

participation in the digital economy and society in their territory. The adequate internet access service should have sufficient bandwidth to support access to and use of at least basic services that reflect the services used by the majority of consumers. To that end, in order to contribute towards a consistent application in the Member States, the BEREC guidelines should take into account the development in the use of the internet to identify those online services used by a majority of consumers across the Union and necessary for social and economic participation in society. BEREC should take into account the data collected ***annually*** by the national regulatory authorities on the evolution and level of retail prices of adequate internet access services and voice communications services at a quality specified in the respective national territories. Before issuing the guidelines, BEREC should consult stakeholders, including civil society organisations representing vulnerable consumers. The Commission should be empowered to adopt ***implementing*** acts to determine the adequate internet access service ***and*** the bandwidth necessary for social and economic participation in society. The end-user rights applicable to electronic communications services should also apply to any adequate internet access and voice communications services.

participation in the digital economy and society in their territory. The adequate internet access service should have sufficient bandwidth to support access to and use of at least basic services that reflect the services used by the majority of consumers. To that end, in order to contribute towards a consistent application in the Member States, the BEREC guidelines should take into account the development in the use of the internet to identify those online services used by a majority of consumers across the Union and necessary for social and economic participation in society. BEREC should take into account the data collected ***regularly*** by the national regulatory authorities on the evolution and level of retail prices of adequate internet access services and voice communications services at a quality specified in the respective national territories. Before issuing the guidelines, BEREC should consult stakeholders, including civil society organisations representing vulnerable consumers. The Commission should be empowered to adopt ***delegated*** acts to determine ***the methodology for defining*** the adequate internet access service***, including*** the bandwidth necessary for social and economic participation in society. The end-user rights applicable to electronic communications services should also apply to any adequate internet access and voice communications services.

Or. en

Amendment 118

Proposal for a regulation
Recital 232

Text proposed by the Commission	*Amendment*
(232) National regulatory authorities in coordination with other competent	(232) National regulatory authorities in coordination with other competent

authorities should monitor the evolution and details of retail prices for adequate internet access and voice communications services used by consumers to assess the need for affordability measures. Such monitoring should be carried out ***not more than annually to ensure*** that it would not represent an excessive administrative burden for either national regulatory and other competent authorities or providers of such services. The monitoring could include the details of offers of tariff options or packages for consumers with low income, or special social needs, including consumers with disabilities, and should be the basis for establishing affordability measures.	authorities should monitor the evolution and details of retail prices for adequate internet access and voice communications services used by consumers to assess the need for affordability measures. Such monitoring should be carried out ***regularly, in a way that ensures*** that it would not represent an excessive administrative burden for either national regulatory and other competent authorities or providers of such services. The monitoring could include the details of offers of tariff options or packages for consumers with low income, or special social needs, including consumers with disabilities, and should be the basis for establishing affordability measures.

Or. en

Amendment 119

Proposal for a regulation
Recital 233

Text proposed by the Commission	*Amendment*
(233) The need for affordability measures varies between Member States and a harmonised approach for the criteria and methodology to be considered for assessing the affordability of adequate internet access and voice communications services should ensure the consistency of approaches, while taking into account the distinct situations across Member States. For harmonising the criteria and methodology to consider for assessing affordability, the Commission should be empowered to adopt ***implementing*** acts. The criteria should include, amongst other factors, the most affordable price available in the market and its percentage of consumer income taking into account consumers with low income or special social needs. Furthermore, the economic and social aspects to be taken into account should also	(233) The need for affordability measures varies between Member States and a harmonised approach for the criteria and methodology to be considered for assessing the affordability of adequate internet access and voice communications services should ensure the consistency of approaches, while taking into account the distinct situations across Member States. For harmonising the criteria and methodology to consider for assessing affordability, the Commission should be empowered to adopt ***delegated*** acts. The criteria should include, amongst other factors, the most affordable price available in the market and its percentage of consumer income taking into account consumers with ***particularly*** low income or special social needs. Furthermore, the economic and social aspects to be taken into account should also

include purchasing power and national support schemes, especially for vulnerable consumers.

include purchasing power and national support schemes, especially for vulnerable consumers.

Or. en

Amendment 120

Proposal for a regulation
Recital 234

Text proposed by the Commission	*Amendment*
(234) An affordable price means a price defined by Member States at national level considering the common criteria and methodology set in the Commission ***implementing act***. Where Member States establish that retail prices for adequate internet access and voice communications services are not affordable to consumers with low income or special social needs, including older people, consumers with disabilities and consumers living in rural or geographically isolated areas, they should take appropriate measures. To that end, Member States ***could provide*** those consumers with direct support for communication purposes, which could ***be part*** of social allowances, vouchers, or direct payments to those consumers. ***Alternatively, or in addition, Member States could require all providers of such services to offer basic tariff options or packages, including reduced monthly subscription fees.***	(234) An affordable price means a price defined by Member States at national level considering the common criteria and methodology set in the ***delegated act adopted by the*** Commission. Where Member States establish that retail prices for adequate internet access and voice communications services are not affordable to consumers with ***particularly*** low income or special social needs, including older people, consumers with disabilities and consumers living in rural or geographically isolated areas, they should take appropriate measures. To that end, Member States ***should ensure that*** those consumers ***are provided*** with direct support for communication purposes, which could ***take the form*** of social allowances, vouchers, or direct payments to those consumers.

Or. en

Amendment 121

Proposal for a regulation
Recital 235

Text proposed by the Commission	*Amendment*
(235) Such special tariff options or packages to deal with the needs of consumers with low income or with special social needs should provide adequate internet access and voice communications services, without additional bundled services, in order to reduce impact on the functioning of the market.	***deleted***

Or. en

Amendment 122

Proposal for a regulation
Recital 236

Text proposed by the Commission	*Amendment*
(236) Where a Member State requires providers to offer to consumers with a low income or special social needs tariff options or packages different from those provided under normal commercial conditions, those tariff options or packages should be provided by all providers of internet access and voice communications services., Requiring all providers of internet access and voice communications services to offer tariff options or packages should not result in excessive administrative or financial burden for those providers or Member States.	***deleted***

Or. en

Amendment 123

Proposal for a regulation
Recital 237

Text proposed by the Commission	*Amendment*
(237) In light of the reduced scope of universal service obligations, there is a limited need to use sector-specific designations. Public financial support may prove necessary to cover some or all of the specific net costs incurred in discharging the universal service obligations, including a reasonable profit, while avoiding overcompensation. In this case, given the existence of State aid rules for public funding, in particular for services of general economic interest ('SGEI package')[29] , the sector specific rules on the designation of undertakings and calculation of possible compensation for the provision of universal service for electronic communications should be repealed. If any public compensation is granted for the provision of universal service obligations, it is to comply with the applicable State aid rules, in particular Articles 106(2), 107 and 108 TFEU and the SGEI package. The simplification concerning the removal of the sector-specific designation of the universal service obligation and the related net costs calculation method could increase Member States' flexibility when choosing the method of financing of universal service obligations, possibly reducing the administrative burden for providers while ensuring compatibility with the internal market.	(237) In light of the reduced scope of universal service obligations, there is a limited need to use sector-specific designations. Public financial support may prove necessary to cover some or all of the specific net costs incurred in discharging the universal service obligations, including a reasonable profit, while avoiding overcompensation***. Where Member States decide to grant compensation to providers entrusted with ensuring the availability of universal service at a fixed location, they should be able to use public funding, a mechanism for sharing the costs between providers of electronic communications networks and services, or both***. In this case, given the existence of State aid rules for public funding, in particular for services of general economic interest ('SGEI package')[29] , the sector specific rules on the designation of undertakings and calculation of possible compensation for the provision of universal service for electronic communications should be repealed. If any public compensation is granted for the provision of universal service obligations, it is to comply with the applicable State aid rules, in particular Articles 106(2), 107 and 108 TFEU and the SGEI package. The simplification concerning the removal of the sector-specific designation of the universal service obligation and the related net costs calculation method could increase Member States' flexibility when choosing the method of financing of universal service obligations, possibly reducing the administrative burden for providers while ensuring compatibility with the internal market.
[29] Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general	[29] Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general

economic interest (OJ C8, 11.01.2012, p. 4); Commission Decision 2025/2630/EU of 16 December 2025 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L, 2025/2630, 19.12.2025, ELI: http://data.europa.eu/eli/dec/2025/2630/oj); Communication from the Commission — European Union framework for State aid in the form of public service compensation (2011) (OJ C 8, 11.1.2012, p. 15); and Commission Regulation (EU) 2023/2832 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest (OJ L, 2023/2832, 15.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2832/oj).

economic interest (OJ C8, 11.01.2012, p. 4); Commission Decision 2025/2630/EU of 16 December 2025 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L, 2025/2630, 19.12.2025, ELI: http://data.europa.eu/eli/dec/2025/2630/oj); Communication from the Commission — European Union framework for State aid in the form of public service compensation (2011) (OJ C 8, 11.1.2012, p. 15); and Commission Regulation (EU) 2023/2832 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest (OJ L, 2023/2832, 15.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2832/oj).

Or. en

Amendment 124

Proposal for a regulation
Recital 238

Text proposed by the Commission	*Amendment*
(238) Affordability should not be a barrier to consumers' access to the minimum set of connectivity services. A right to contract with a provider should mean that consumers with low income or special social needs entitled to social tariff options or packages should have the possibility to enter into a contract for the provision of affordable adequate internet access and voice communications services at least at a fixed location. In order to minimise the financial risks such as non-payment of bills, providers should be free	***deleted***

to provide the contract under pre-payment terms, on the basis of affordable individual pre-paid units.

Or. en

Amendment 125

Proposal for a regulation
Recital 239

Text proposed by the Commission	*Amendment*
(239) ***Affordability for individual consumers should be founded upon their right to contract with a provider. Other rights, for example,*** itemised billing, the availability of a number for an adequate period and ability to monitor and control expenditure are end-user rights in this Regulation ***for all consumers and should apply also to consumers benefiting from universal service affordability measures***.	(239) Itemised billing, the availability of a number for an adequate period and ability to monitor and control expenditure are ***considered*** end-user rights in this Regulation.

Or. en

Amendment 126

Proposal for a regulation
Recital 240

Text proposed by the Commission	*Amendment*
(240) Consumers should not be obliged to access services they do not want, and it should therefore be possible for eligible consumers to restrict, on request, the affordable universal service to voice communications services.	***deleted***

Or. en

Amendment 127

Proposal for a regulation
Recital 241

Text proposed by the Commission	*Amendment*
(241) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for consumers with disabilities, including equipment with assistive technologies. This can be achieved, inter alia, by referring to European standards, or by supporting the implementation of requirements under Directive (EU) 2019/882 of the European Parliament and of the Council[30] . Member States should introduce appropriate measures and take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for consumers with disabilities under normal economic conditions. Those measures could include direct financial support to consumers. The cost to consumers with disabilities of relay services should be equivalent to the average cost of voice communications services.	(241) Member States should introduce measures to promote the creation of a market for affordable products and services incorporating facilities for consumers with disabilities, including equipment with assistive technologies ***technologies and services that enhance equivalent access, such as total conversation services and text and video relay services***. This can be achieved, inter alia, by referring to European standards, or by supporting the implementation of requirements under Directive (EU) 2019/882 of the European Parliament and of the Council[30] . Member States should introduce appropriate measures and take specific measures for instance if the market is not delivering affordable products and services incorporating facilities for consumers with disabilities under normal economic conditions. Those measures could include direct financial support to consumers. The cost to consumers with disabilities of relay services should be equivalent to the average cost of voice communications services.
[30] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).	[30] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: http://data.europa.eu/eli/dir/2019/882/oj).

Or. en

Amendment 128

Proposal for a regulation
Recital 242

Text proposed by the Commission	*Amendment*
(242) Relay services refer to services which enable two-way communication between remote end-users of different modes of communication (for example text, sign, speech) by providing conversion between those modes of communication, normally by a human operator. Real time text is defined in accordance with Directive (EU) 2019/882. ***Where a Member State decides to compensate the undertakings providing basic tariff options or packages, for example when the provision results in unfair financial burden, it should ensure the compatibility of such a measure with the internal market, including competition rules.***	(242) Relay services refer to services which enable two-way communication between remote end-users of different modes of communication (for example text, sign, speech) by providing conversion between those modes of communication, normally by a human operator. Real time text is defined in accordance with Directive (EU) 2019/882.

Or. en

Amendment 129

Proposal for a regulation
Recital 247

Text proposed by the Commission	*Amendment*
(247) Requirements to ensure nation-wide territorial coverage imposed in an entrustment procedure are likely to exclude or dissuade certain undertakings from applying for being universal service providers. Entrusting providers with universal service obligations for an excessive or indefinite period might also lead to an exclusion of certain providers. ***Where a Member State decides to entrust all providers the provision of tariff options or packages for affordability purposes, it could entrust only one or some of them the provision of the availability element of***	(247) Requirements to ensure nation-wide territorial coverage imposed in an entrustment procedure are likely to exclude or dissuade certain undertakings from applying for being universal service providers. Entrusting providers with universal service obligations for an excessive or indefinite period might also lead to an exclusion of certain providers.

universal service.

Or. en

Amendment 130

Proposal for a regulation
Recital 249

Text proposed by the Commission	*Amendment*
(249) The affordability of adequate internet access and voice communications services is related to the information which users receive regarding usage expenses as well as the relative cost of usage compared to other services and is also related to their ability to control expenditure. ***Those*** facilities ***by*** providers of ***affordable universal service to eligible*** consumers include***, among others,*** the possibility for consumers selectively to block certain calls, such as high-priced calls to premium services, ***to*** control ***expenditure via pre-payment means, and to offset up-front connection fees***.	(249) The affordability of adequate internet access and voice communications services is related to the information which users receive regarding usage expenses as well as the relative cost of usage compared to other services and is also related to their ability to control expenditure. ***The*** facilities ***which*** providers of ***internet access services and publicly available interpersonal communications services should offer to all consumers, including*** consumers ***benefiting from affordability measures, therefore*** include the possibility for consumers selectively to block certain calls, such as high-priced calls to premium services, ***where technically feasible, cost*** control***, including free-of-charge alerts in the case of a typical or excessive consumption patterns, and the possibility to deactivate third-party billing***.

Or. en

Amendment 131

Proposal for a regulation
Recital 250

Text proposed by the Commission	*Amendment*
(250) ***Except in cases of persistent late payment or*** non-payment of bills, ***consumers entitled to affordable tariffs should, pending resolution of the dispute,***	(250) ***Consumers should be given due warning of any service interruption or disconnection in case of*** non-payment of bills, ***and*** disconnection ***for non-payment***

be protected from immediate disconnection ***from the network on the grounds of an unpaid bill and, in particular, in the case of disputes over high bills for premium-rate services, continue to have access to essential voice communications services and a minimum service level of internet access***.	***should take place only after such warning has been given in accordance with national law***.

Or. en

Amendment 132

Proposal for a regulation
Recital 251

Text proposed by the Commission	*Amendment*
(251) In order to provide stability and support a gradual transition from sector-specific rules for organising and financing the universal service to the legal framework applicable to SGEI, existing designations of undertakings for the provision of universal service in Member States on the basis of Directive (EU) 2018/1972 should not be affected, provided they were in force 6 months after the date of entry into force of this Regulation. They should maintain their status until the expiry of such designations, provided the services or comparable services are not available under normal commercial circumstances.	(251) In order to provide stability and support a gradual transition from sector-specific rules for organising and financing the universal service to the legal framework applicable to SGEI, existing designations of undertakings for the provision of universal service in Member States on the basis of Directive (EU) 2018/1972 should not be affected, provided they were in force 6 months after the date of entry into force of this Regulation. They should maintain their status until the expiry of such designations, provided the services or comparable services are not available under normal commercial circumstances. ***Member States should also be able to maintain universal service obligations concerning availability, and related designations, that were in force before that date for as long as they consider such measures justified by national circumstances, provided that they comply with the principles of proportionality, transparency and non-discrimination.***

Or. en

Amendment 133

Proposal for a regulation
Recital 254 a (new)

Text proposed by the Commission	*Amendment*
	(254a) The equal treatment of traffic can also be affected by undertakings other than providers of internet access services. Content and application providers, providers of artificial intelligence, operating system providers and content delivery networks should therefore refrain from any practice, whether technical, contractual or commercial, which can lead to interfering with, discriminating against or deliberately compromising the equal treatment of traffic, where they are capable of influencing traffic management or content delivery quality. Reasonable traffic management measures applied by providers of internet access services should be transparent, non-discriminatory and proportionate, and should not be based purely on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures may differentiate between specific categories of traffic subject to different technical requirements, provided that all traffic within each category is treated equally and in a non-discriminatory manner. They should not monitor any specific content and should comply with Union law on the protection of personal data.

Or. en

Amendment 134

Proposal for a regulation
Recital 255

Text proposed by the Commission	*Amendment*
(255) The second Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EU) 2015/2120 confirmed that the principles governing open internet access continue to be fit for purpose and to strike an appropriate balance between protecting end-users and enabling technological progress. However, in light of the significant evolution of networking technologies since 2015, there is a need to define the conditions under which specialised business services should be offered. Those specialised business services are becoming integral part of network offering for interconnecting data centres, in provision of edge computing and for AI services. The provision of low latency and guaranteed quality of service are essential features of specialised business services. Critical government services should also be considered as priority services in order to make sure that electronic communications networks are meeting increased demand for security and defence needs, such as detection response and mobility. While BEREC is empowered to issue guidelines to support consistent implementation by national regulatory authorities, additional guidance at Union level may be necessary to ensure a harmonised approach to emerging services and technologies, including network slicing, experimental services and differentiated industrial use-cases. Empowering the Commission to adopt ***implementing*** act on the ***implementation*** of specialised services should therefore contribute to legal certainty and regulatory coherence across the Union, by providing clear criteria for compliance, including, inter alia, quality-of-service parameters or minimum levels to be ensured for general internet access services. ***Such implementing*** act should complement BEREC guidelines, support uniform	(255) The second Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EU) 2015/2120 confirmed that the principles governing open internet access continue to be fit for purpose and to strike an appropriate balance between protecting end-users and enabling technological progress. However, in light of the significant evolution of networking technologies since 2015, there is a need to define the conditions under which specialised business services should be offered. Those specialised business services are becoming integral part of network offering for interconnecting data centres, in provision of edge computing and for AI services. The provision of low latency and guaranteed quality of service are essential features of specialised business services. Critical government services should also be considered as priority services in order to make sure that electronic communications networks are meeting increased demand for security and defence needs, such as detection response and mobility. ***Providers of electronic communications to the public, including providers of internet access services, should be able to offer or facilitate services other than internet access services in a non-exclusive way and on a non-discriminatory basis, and only where the network capacity is sufficient to provide them in addition to any internet access services provided. Such services should not be usable or offered as a replacement for internet access services and should not be to the detriment of the availability or general quality of internet access services for end-users.*** While BEREC is empowered to issue guidelines to support consistent implementation by national regulatory authorities, additional guidance at Union level may be necessary to ensure a harmonised approach to

application of the framework, and encourage investment and innovation in advanced connectivity services and in the business-to-business segment in particular, thereby strengthening the competitiveness of the Union's digital economy as well as ensuring prioritisation of critical government services.

emerging services and technologies, including network slicing, experimental services and differentiated industrial use-cases. Empowering the Commission to adopt ***, by 9 months after the entry into force of this Regulation, a delegated*** act on the ***conditions for the offering*** of specialised services should therefore contribute to legal certainty and regulatory coherence across the Union, by providing clear criteria for compliance, including, inter alia, ***the methodology for determining sufficient network capacity, criteria for assessing whether a service is usable or offered as a replacement for internet access services or is to the detriment of the availability or general quality of internet access services, and*** quality-of-service parameters or minimum levels to be ensured for general internet access services. ***The Commission should request the opinion of BEREC and take utmost account of it before adopting that delegated act. Such delegated*** act should complement BEREC guidelines, support uniform application of the framework, and encourage investment and innovation in advanced connectivity services and in the business-to-business segment in particular, thereby strengthening the competitiveness of the Union's digital economy as well as ensuring prioritisation of critical government services.

Or. en

Amendment 135

Proposal for a regulation
Recital 256

Text proposed by the Commission	*Amendment*
(256) In order to facilitate comparability across the Union and to reduce compliance cost, BEREC should adopt guidelines on relevant quality of service parameters for	(256) ***National regulatory authorities, in coordination with other competent authorities where relevant, should be able to require providers of internet access***

internet access services which national regulatory authorities in coordination with other competent authorities should take into utmost account when enforcing the quality of service obligations relevant to the end-user rights. In its guidelines for internet access services, BEREC should specify the quality of service parameters to be measured for the purposes of information requirements for contracts and for information to be published for transparency, considering standards and technical specifications issued by European and international standardisation bodies. The parameters should include at least parameters for the monitoring mechanism for internet access services, relevant parameters for end-users with disabilities, download and upload speeds pursuant to required information on speeds for information for contracts with internet access services and for information to be published, latency, jitter and packet loss. The relevant parameters for end-users with disabilities should include also parameters for interpersonal communications services.

services and of publicly available interpersonal communications services to publish comprehensive, comparable, reliable, user-friendly and up-to-date information for end-users on the quality of their services, to the extent that those providers control at least some elements of the network either directly or by virtue of a service level agreement to that effect. In order to facilitate comparability across the Union and to reduce compliance cost, BEREC should adopt guidelines on relevant quality of service parameters for internet access services ***and publicly available interpersonal communications services*** which national regulatory authorities in coordination with other competent authorities should take into utmost account ***when specifying those parameters and*** when enforcing the quality of service obligations relevant to the end-user rights. In its guidelines for internet access services, BEREC should specify the quality of service parameters to be measured for the purposes of information requirements for contracts and for information to be published for transparency, considering standards and technical specifications issued by European and international standardisation bodies. The parameters should include at least parameters for the monitoring mechanism for internet access services, relevant parameters for end-users with disabilities, download and upload speeds pursuant to required information on speeds for information for contracts with internet access services and for information to be published, latency, jitter and packet loss. The relevant parameters for end-users with disabilities should include also parameters for interpersonal communications services. ***The guidelines should also detail the applicable measurement methods, the form and manner of the information to be published and quality certification mechanisms.***

Or. en

Amendment 136

Proposal for a regulation
Recital 256 a (new)

Text proposed by the Commission	*Amendment*
	(256a) National regulatory authorities should closely monitor and ensure compliance with the rules on open internet access, so as to promote the continued availability of non-discriminatory access to information, content, applications and services at levels of quality that reflect advances in technology. They should publish reports on their monitoring and findings every two years and provide those reports to the Commission and to BEREC. At the request of the national regulatory authority, providers of electronic communications to the public, including providers of internet access services, and, where relevant, the other undertakings subject to the obligation to respect the equal treatment of traffic should make available the information relevant to their obligations, in particular information concerning the management of their network capacity and traffic and justifications for any traffic management measures applied, within the time-limits and at the level of detail required.

Or. en

Amendment 137

Proposal for a regulation
Recital 259

Text proposed by the Commission	*Amendment*
(259) Some of those end-user protection provisions which apply only to consumers, namely those on contract information, maximum contract duration and bundles, should benefit not only consumers, but also microenterprises and not-for-profit organisations as defined in Union law or national law. The bargaining position of those categories of enterprises and organisations is comparable to that of consumers, and they should therefore benefit from the same level of protection unless they explicitly waive those rights. Obligations on contract information in this Regulation, including those of Directive 2011/83/EU that are referred to in this Regulation, should apply irrespective of whether any payment is made and of the amount of the payment to be made by the customer. The obligations on contract information, including those contained in Directive 2011/83/EU, should apply automatically to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to microenterprises and not-for-profit organisations, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same contractual information requirements as consumers. The provisions on provider switching and number portability, which are important also for larger enterprises should continue to apply to all end-users. Not-for-profit organisations are legal entities that do not earn a profit for their owners or members. Typically, not-for-profit organisations are charities or other types of public interest organisations. Hence, considering the comparable situation, it is legitimate to treat such organisations in the same way as microenterprises under this Regulation, insofar as end-user rights are concerned.	(259) Some of those end-user protection provisions which apply only to consumers, namely those on contract information, maximum contract duration***, contract termination*** and bundles, should benefit not only consumers, but also microenterprises and not-for-profit organisations as defined in Union law or national law. The bargaining position of those categories of enterprises and organisations is comparable to that of consumers, and they should therefore benefit from the same level of protection unless they explicitly waive those rights***. Waiving those rights should not be made a condition for entering into a contract***. Obligations on contract information in this Regulation, including those of Directive 2011/83/EU that are referred to in this Regulation, should apply irrespective of whether any payment is made and of the amount of the payment to be made by the customer. The obligations on contract information, including those contained in Directive 2011/83/EU, should apply automatically to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to microenterprises and not-for-profit organisations, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same contractual information requirements as consumers. The provisions on provider switching and number portability, which are important also for larger enterprises should continue to apply to all end-users. Not-for-profit organisations are legal entities that do not earn a profit for their owners or members. Typically, not-for-profit organisations are charities or other types of public interest organisations. Hence, considering the comparable situation, it is legitimate to treat such

Furthermore, consumers entitled to affordable tariffs based on universal service are entitled to the same level of protection as all other consumers.	organisations in the same way as microenterprises under this Regulation, insofar as end-user rights are concerned. Furthermore, consumers entitled to affordable tariffs based on universal service are entitled to the same level of protection as all other consumers.

Or. en

Amendment 138

Proposal for a regulation
Recital 261

Text proposed by the Commission	*Amendment*
(261) It is essential that the required relevant information is provided prior to the conclusion of the contract and in clear and understandable language and on a durable medium or, where not feasible and without prejudice to the definition or the requirements concerning durable medium set out in Directive 2011/83/EU, in a document, made available by the provider and notified to the user, that is easy to download, open and consult on devices commonly used by consumers. Providers should also present a summary of the essential contract terms. The pre-contractually provided information as well as the summary should constitute an integral part of the final contract. The contract summary should be concise and easily readable, ideally no longer than the equivalent of one single-sided A4 page or, where a number of different services are bundled into a single contract, the equivalent of up to three single-sided A4 pages. In order to respond to technological, social and market developments and to reduce compliance cost, the Commission may adopt implementing acts for such contract summaries to be used by the providers in line with the main elements of information requirements set out in this	(261) It is essential that the required relevant information is provided prior to the conclusion of the contract and in clear and understandable language and on a durable medium or, where not feasible ***or in the case of pre-paid services,*** and without prejudice to the definition or the requirements concerning durable medium set out in Directive 2011/83/EU, in a document, made available by the provider and notified to the user, that is easy to download, open and consult on devices commonly used by consumers***. The provider should expressly draw the consumer's attention to the availability of that document and to the importance of downloading it for the purposes of documentation, future reference and unchanged reproduction***. Providers should also present a summary of the essential contract terms. The pre-contractually provided information as well as the summary should constitute an integral part of the final contract. The contract summary should be concise and easily readable, ideally no longer than the equivalent of one single-sided A4 page or, where a number of different services are bundled into a single contract, the equivalent of up to three single-sided A4 pages. In order to

Regulation.

respond to technological, social and market developments and to reduce compliance cost, the Commission may adopt implementing acts for such contract summaries to be used by the providers in line with the main elements of information requirements set out in this Regulation.

Or. en

Amendment 139

Proposal for a regulation
Recital 263

Text proposed by the Commission	*Amendment*
(263) The provisions on safeguarding of open internet access should be complemented by effective end-user provisions which address issues particularly linked to internet access services and enable consumers to make informed choices. Providers of internet access services should inform consumers in a clear manner how traffic management practices deployed might have an impact on the quality of internet access services, consumers' privacy and the protection of personal data as well as about the possible impact of services other than internet access services to which they subscribe, on the quality and availability of their respective internet access services. In order to empower consumers in such situations, providers of internet access services should therefore inform consumers in the contract of the speed which they are able realistically to deliver. The normally available speed is understood to be the speed that an end-user could expect to receive most of the time when accessing the service. Providers of internet access services should also inform consumers of available remedies in accordance with national law in the event of non-compliance of performance. Any	(263) The provisions on safeguarding of open internet access should be complemented by effective end-user provisions which address issues particularly linked to internet access services and enable consumers to make informed choices. Providers of internet access services should inform consumers in a clear manner how traffic management practices deployed might have an impact on the quality of internet access services, consumers' privacy and the protection of personal data as well as about the possible impact of services other than internet access services to which they subscribe, on the quality and availability of their respective internet access services. In order to empower consumers in such situations, providers of internet access services should therefore inform consumers in the contract of the speed which they are able realistically to deliver. The normally available speed is understood to be the speed that an end-user could expect to receive most of the time when accessing the service. Providers of internet access services should also inform consumers of available remedies in accordance with national law in the event of non-compliance of performance. Any

significant and continuous or regularly recurring difference, where established by a monitoring mechanism certified by the national regulatory authority, between the actual performance of the service and the performance indicated in the contract should be deemed to constitute non-conformity of performance for the purposes of determining the remedies available to the consumer in accordance with national law. The methodology should be established in the guidelines of BEREC.	significant and continuous or regularly recurring difference, where established by a monitoring mechanism certified by the national regulatory authority, between the actual performance of the service and the performance indicated in the contract should be deemed to constitute non-conformity of performance for the purposes of determining the remedies available to the consumer in accordance with national law***, including the right to terminate the contract free of cost***. The methodology should be established in the guidelines of BEREC.

Or. en

Amendment 140

Proposal for a regulation
Recital 264

Text proposed by the Commission	*Amendment*
(264) End-users are often not aware of the cost of their consumption behaviour or have difficulties in estimating their time or data consumption when using electronic communications services. In order to increase transparency and to allow for better control of their communications budget, it is important to provide end-users with facilities that enable them to track their consumption in a timely manner. In addition, in order to protect against 'bill-shocks', providers should provide free-of-charge alerts in case of atypical or excessive consumption patterns including in relation to premium rate services and other services subject to particular pricing conditions. Itemised bills on the usage of internet access should indicate only the time, duration and amount of consumption during a usage session but not indicate the websites or internet end-points connected to during such a usage session. ***Under Directive (EU) 2018/1972 Member States***	(264) End-users are often not aware of the cost of their consumption behaviour or have difficulties in estimating their time or data consumption when using electronic communications services. In order to increase transparency and to allow for better control of their communications budget, it is important to provide end-users with facilities ***free of charge*** that enable them to track their consumption in a timely manner. In addition, in order to protect against 'bill-shocks', providers should provide free-of-charge alerts in case of atypical or excessive consumption patterns including in relation to premium rate services and other services subject to particular pricing conditions. Itemised bills on the usage of internet access should indicate only the time, duration and amount of consumption during a usage session but not indicate the websites or internet end-points connected to during such a usage session. ***Itemised bills should include***

were able to ensure that competent authorities in coordination, where relevant, with national regulatory authorities are able to require providers of internet access ***service or*** publicly available ***number-based*** interpersonal communications services ***to make available all or part of additional facilities included in Directive (EU) 2018/1972. Member States were also able to go beyond the facilities in order to ensure a higher level of consumer protection. These additional facilities*** should ***be provided for universal service*** consumers ***benefiting from affordability measures***. In addition, itemised billing, where applicable, and certain cost control measures are obligatory facilities to be provided to all consumers free of charge. Member States should not introduce in their national law other diverging requirements for additional facilities. ***However, Member States should be able to maintain provisions on those facilities that were set out in Directive (EU) 2018/1972, including facilities requiring providers to provide additional information on the consumption level and temporarily prevent further use of the relevant service in excess of a financial or volume limit.***

information on consumption and charges broken down into specific categories, extra charges related to consumption beyond the tariff package chosen and charges related to premium numbers, unless the consumer has requested that such information not be mentioned. Providers of internet access ***services and of*** publicly available interpersonal communications services ***should also offer all consumers a facility to deactivate the ability of third-party service providers to charge for their products or services via the provider's bill, selective barring for outgoing calls or premium SMS or MMS where technically feasible, and cost control, and*** should ***give*** consumers ***due warning before any service interruption or disconnection for non-payment of bills***. In addition, itemised billing, where applicable, and certain cost control measures are obligatory facilities to be provided to all consumers free of charge. Member States should not ***maintain or*** introduce in their national law other diverging requirements for additional facilities.

Or. en

Amendment 141

Proposal for a regulation
Recital 267

Text proposed by the Commission	*Amendment*
(267) Following the increased possibilities of end-users to search and compare a broad range of offers using advanced digital search tools, private or public, the obligatory provision of comparison tools by the relevant competent	(267) Following the increased possibilities of end-users to search and compare a broad range of offers using advanced digital search tools, private or public, the obligatory provision of comparison tools by the relevant competent

authorities has become less relevant. Comparison tools, such as websites, are an effective means for end-users to assess the merits of different providers of internet access services and interpersonal communications services, where provided against recurring or consumption-based direct monetary payments, and to obtain impartial information, in particular by comparing prices, tariffs, and quality parameters in one place. Competent authorities could certify such tools, upon request by the provider of the tool, in order to ensure they are operationally independent from service providers and no service provider is given favourable treatment in search results.	authorities has become less relevant. Comparison tools, such as websites, are an effective means for end-users to assess the merits of different providers of internet access services and interpersonal communications services, where provided against recurring or consumption-based direct monetary payments, and to obtain impartial information, in particular by comparing prices, tariffs, and quality parameters in one place. Competent authorities could certify such tools, upon request by the provider of the tool, in order to ensure they are operationally independent from service providers and no service provider is given favourable treatment in search results. ***National regulatory authorities should nevertheless be able to ensure that consumers have access, free of charge, to an independent comparison tool enabling them to compare and evaluate different internet access services and publicly available number-based interpersonal communications services and, where applicable, number-independent interpersonal communications services. Providers of such services should supply the relevant information requested by national regulatory authorities for that purpose.***

Or. en

Amendment 142

Proposal for a regulation
Recital 268

Text proposed by the Commission	*Amendment*
(268) In order to take full advantage of the competitive environment, consumers should be able to make informed choices and to change providers when it is in their best interest to do so. It is essential to ensure that they are able to do so without	(268) In order to take full advantage of the competitive environment, consumers should be able to make informed choices and to change providers when it is in their best interest to do so. It is essential to ensure that they are able to do so without

being hindered by legal, technical or practical obstacles, including contractual conditions, procedures and charges. That does not preclude providers from setting reasonable minimum contractual periods of up to 24 months in consumer contracts. ***However, Member States should have the possibility to maintain provisions for a shorter maximum duration and to permit consumers to change tariff plans or terminate the*** contract ***within*** the contract ***period without incurring additional costs in light of national conditions, such as levels of competition and stability of network investments***. Independently from the electronic communications service contract, consumers might prefer and benefit from a longer reimbursement period for physical connections. Such consumer commitments can be an important factor in facilitating deployment of ***gigabit*** networks up to or very close to end-user premises, including through demand aggregation schemes which enable network investors to reduce initial take-up risks. However, the rights of consumers to switch between providers of electronic communications services, should not be restricted by such reimbursement periods in contracts on physical connections and such contracts should not cover terminal or internet access equipment, such as handsets, routers or modems. The equal treatment of entities, including operators, financing the deployment of a ***gigabit*** physical connection to the premises of an end-user, including where such financing is by way of an instalment contract should be ensured. The obligations on contract duration should apply to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to microenterprises, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same requirements for contract duration as consumers. The obligations on contract

being hindered by legal, technical or practical obstacles, including contractual conditions, procedures and charges. That does not preclude providers from setting reasonable minimum contractual periods of up to 24 months in consumer contracts. ***Where a provider charges a fee for the termination of a*** contract ***by an end-user, that fee should be reasonable, proportionate and expressly laid down in*** the contract. Independently from the electronic communications service contract, consumers might prefer and benefit from a longer reimbursement period for physical connections. Such consumer commitments can be an important factor in facilitating deployment of ***resilient very high capacity*** networks up to or very close to end-user premises, including through demand aggregation schemes which enable network investors to reduce initial take-up risks. However, the rights of consumers to switch between providers of electronic communications services, should not be restricted by such reimbursement periods in contracts on physical connections and such contracts should not cover terminal or internet access equipment, such as handsets, routers or modems***, or preclude consumers from exercising their rights on contract termination and switching***. The equal treatment of entities, including operators, financing the deployment of a physical connection to the premises of an end-user, including where such financing is by way of an instalment contract should be ensured. The obligations on contract duration should apply to microenterprises, and not-for-profit organisations unless they prefer negotiating individualised contract terms with providers of electronic communications services. As opposed to microenterprises, larger enterprises usually have stronger bargaining power and do, therefore, not depend on the same requirements for contract duration as consumers. The obligations on contract termination should apply to

termination should apply to microenterprises, ***small enterprises, medium enterprises*** and not-for profit organizations, unless they prefer to negotiating individualised contract terms with the provider of electronic communications services.	microenterprises, and not-for profit organizations, unless they prefer to negotiating individualised contract terms with the provider of electronic communications services.

Or. en

Amendment 143

Proposal for a regulation
Recital 274

Text proposed by the Commission	*Amendment*
(274) Bundles comprising at least either an internet access service or a publicly available number-based interpersonal communications service, as well as other services, such as publicly available number-independent interpersonal communications services, linear broadcasting and machine-to-machine services, or terminal equipment, have become increasingly widespread and are an important element of competition. For the purposes of this Regulation, a bundle should be considered to exist in situations where the elements of the bundle are provided or sold by the same provider under the same or a closely related or linked contract. While bundles often bring about benefits for consumers, they can make switching more difficult or costly and raise risks of contractual 'lock-in'. Where different services and terminal equipment within a bundle are subject to divergent rules on contract termination and switching or on contractual commitments regarding the acquisition of terminal equipment, consumers are effectively hampered in their rights under this Regulation to switch to competitive offers for the entire bundle or parts of it. Certain essential provisions of this Regulation	(274) Bundles comprising at least either an internet access service or a publicly available number-based interpersonal communications service, as well as other services, such as publicly available number-independent interpersonal communications services, linear broadcasting and machine-to-machine services, or terminal equipment, have become increasingly widespread and are an important element of competition. For the purposes of this Regulation, a bundle should be considered to exist in situations where the elements of the bundle are provided or sold by the same provider under the same or a closely related or linked contract. While bundles often bring about benefits for consumers, they can make switching more difficult or costly and raise risks of contractual 'lock-in'. Where different services and terminal equipment within a bundle are subject to divergent rules on contract termination and switching or on contractual commitments regarding the acquisition of terminal equipment, consumers are effectively hampered in their rights under this Regulation to switch to competitive offers for the entire bundle or parts of it. Certain essential provisions of this Regulation

regarding contract summary information, transparency, contract duration and termination and switching should, therefore, apply to all elements of a bundle, including terminal equipment, other services such as digital content or digital services, and electronic communications services which are not directly covered by the scope of those provisions. All end-user obligations applicable to a given electronic communications service when provided or sold as a stand-alone service should also be applicable when it is part of a bundle with at least an internet access service or a publicly available number-based interpersonal communications service. Other contractual issues, such as the remedies applicable in the event of non-conformity with the contract, should be governed by the rules applicable to the respective element of the bundle, for instance by the rules of contracts for the sales of goods or for the supply of digital content. However, a right to terminate any element of a bundle comprising at least an internet access service or a publicly available number-based interpersonal communications service before the end of the agreed contract term because of a lack of conformity or a failure to supply should give a consumer the right to terminate all elements of the bundle. Also, in order to maintain their capacity to switch easily providers, consumers should not be locked in with a provider by means of a contractual de facto extension of the initial contract period.

regarding contract summary information***,*** ***facilities to monitor and control consumption and expenditure***, transparency, contract duration and termination and switching should, therefore, apply to all elements of a bundle, including terminal equipment, other services such as digital content or digital services, and electronic communications services which are not directly covered by the scope of those provisions. All end-user obligations applicable to a given electronic communications service when provided or sold as a stand-alone service should also be applicable when it is part of a bundle with at least an internet access service or a publicly available number-based interpersonal communications service. Other contractual issues, such as the remedies applicable in the event of non-conformity with the contract, should be governed by the rules applicable to the respective element of the bundle, for instance by the rules of contracts for the sales of goods or for the supply of digital content. However, a right to terminate any element of a bundle comprising at least an internet access service or a publicly available number-based interpersonal communications service before the end of the agreed contract term because of a lack of conformity or a failure to supply should give a consumer the right to terminate all elements of the bundle. Also, in order to maintain their capacity to switch easily providers, consumers should not be locked in with a provider by means of a contractual de facto extension of the initial contract period.

Or. en

Amendment 144

Proposal for a regulation
Recital 283 a (new)

Text proposed by the Commission	*Amendment*
	(283a) In order to improve the functioning of the internal market, strengthen competition and broaden end-users' access to a greater variety of affordable offers, Regulation (EU) 2022/612 of the European Parliament and of the Council should be amended to lower the maximum average wholesale charge for regulated data roaming services and to extend the period during which that charge applies. Average wholesale roaming charges have fallen well below the current caps, while those caps remain decisive for operators with weaker bargaining power, in particular mobile virtual network operators and smaller operators. As radio spectrum is a scarce resource held by a limited number of mobile network operators in each Member State, other providers can compete only by using the networks of those operators, either through domestic wholesale access or, across borders, through wholesale roaming access. Bringing wholesale roaming charges closer to domestic wholesale access prices should put both on a more equal footing. It should enable providers to compete for end-users across borders and increase competitive pressure in national markets where retail prices are high. Lower wholesale caps also reduce the maximum surcharges that roaming providers may apply under fair use policies and increase the data volumes available to end-users when roaming, to the benefit, in particular, of cross-border commuters, students and trainees on mobility programmes, posted and seasonal workers, transport workers, and businesses, including SMEs and the self-employed, whose activities extend across borders. They also allow smaller operators to provide roaming services at domestic prices in a sustainable manner. A gradual reduction of the caps should

give operators sufficient time to adapt. Furthermore, the conditions that may be included in reference offers for wholesale roaming access, the related measures which the visited network operator may take, and the data collected by BEREC on the implementation of contractual measures at wholesale level should focus on the prevention of anomalous or abusive use of wholesale roaming access, rather than on permanent roaming as such. Restricting wholesale roaming access solely on the ground that the roaming provider's customers are present in the visited Member State on a lasting basis would hinder the free movement of persons and services. It would penalise end-users who live, work or study across borders and have stable links with more than one Member State, and it would limit their freedom to choose a provider established in another Member State, contrary to the objective of a genuine single market for electronic communications.

Or. en

Amendment 145

Proposal for a regulation
Recital 284

Text proposed by the Commission	*Amendment*
(284) End-users are increasingly vulnerable to fraudulent activities carried out through interpersonal communications services. Several Member States have introduced national measures to combat evolving fraud schemes, such as CLI spoofing, phishing, smishing, and vishing. However, those measures remain uncoordinated and reflect primarily national perspectives, enabling fraudsters to shift their activities to jurisdictions where such practices are not effectively	(284) End-users are increasingly vulnerable to fraudulent activities carried out through interpersonal communications services. Several Member States have introduced national measures to combat evolving fraud schemes, such as CLI spoofing, phishing, smishing, and vishing. However, those measures remain uncoordinated and reflect primarily national perspectives, enabling fraudsters to shift their activities to jurisdictions where such practices are not effectively

addressed. ***The ODN*** should ***enable the gathering of*** relevant information and best practices to enable BEREC to issue technical and legal guidelines on the measures that could effectively protect end-users against fraudulent activities in the Union. The BEREC guidelines should enable Member States adopt coordinated measures to be implemented by interpersonal communications services, with full respect of Union legislation on personal data protection. The Commission should be empowered to adopt delegated acts to supplement the effectiveness of measures that interpersonal communications services put in place to protect end-users against fraudulent activities***.***

addressed. ***Providers of internet access services, providers of publicly available interpersonal communications services and transit service providers operating in a Member State*** should ***cooperate with national competent authorities to identify and implement effective measures to prevent fraudulent activities affecting end-users. The BEREC should gather*** relevant information***, including from Europol and ENISA,*** and best practices to enable BEREC to issue technical and legal guidelines on the measures that could effectively protect end-users against fraudulent activities in the Union***, including on the implementation of effective information sharing for the prevention, detection and mitigation of fraudulent activities***. The BEREC guidelines should enable Member States adopt coordinated measures to be implemented by interpersonal communications services, with full respect of Union legislation on personal data protection***. Where justified for the effectiveness of measures to prevent fraudulent activities, providers of internet access services and providers of publicly available interpersonal communications services may derogate from Articles 6 and 9 of Directive 2002/58/EC and the national laws transposing them***. The Commission should be empowered to adopt delegated acts to supplement the effectiveness of measures that interpersonal communications services put in place to protect end-users against fraudulent activities

Or. en

Amendment 146

Proposal for a regulation
Recital 285

Text proposed by the Commission	*Amendment*
(285) Considering the particular aspects related to the reporting of missing children, Member States should maintain their commitment to ensure that a well-functioning service for reporting missing children is actually available in their territories under the number ‘116000’. Member States should take appropriate measures to ensure that a sufficient level of service quality in operating the ‘116000’ number is achieved.	(285) Considering the particular aspects related to the reporting of missing children, Member States should maintain their commitment to ensure that a well-functioning service for reporting missing children is actually available in their territories under the number ‘116000’. Member States should take appropriate measures to ensure that a sufficient level of service quality in operating the ‘116000’ number is achieved. ***The hotline should be accessible to end-users with disabilities, in compliance with the accessibility requirements laid down in Annex I to Directive (EU) 2019/882.***

Or. en

Amendment 147

Proposal for a regulation
Recital 289

Text proposed by the Commission	*Amendment*
(289) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables ***number-based*** interpersonal communications services, including when travelling within the Union. Emergency communications are a means of communication that includes voice communications services, messaging, video or other types of communications, for example real-time text, total conversation and relay services. Member States, taking into account the capabilities and technical equipment of the PSAPs, should be able to determine which ***number-based*** interpersonal communications services are appropriate for emergency services, including the	(289) End-users should be able to access emergency services through emergency communications free of charge and without having to use any means of payment, from any device which enables interpersonal communications services, including when travelling within the Union. Emergency communications are a means of communication that includes voice communications services, messaging, video or other types of communications, for example real-time text, total conversation and relay services. Member States, taking into account the capabilities and technical equipment of the PSAPs, should be able to determine which interpersonal communications services are appropriate for emergency services, including the possibility to limit those

possibility to limit those options to voice communications services and their equivalent for end-users with disabilities, or to add additional options as agreed with national PSAPs. Emergency communication can be triggered on behalf of a person by an in-vehicle system system as an eCall as defined in Regulation (EU) 2015/758. The European Digital Identity Walletsissued under Regulation (EU) 910/2014 of the European Parliament and of the Council[34] enables end-users to access a digital hub for essential services. Therefore, Member States have to ensure that end-users will be also able to originate an emergency communication by using their digital wallet.

options to voice communications services and their equivalent for end-users with disabilities, or to add additional options as agreed with national PSAPs. Emergency communication can be triggered on behalf of a person by an in-vehicle system system as an eCall as defined in Regulation (EU) 2015/758. The European Digital Identity Walletsissued under Regulation (EU) 910/2014 of the European Parliament and of the Council[34] enables end-users to access a digital hub for essential services. Therefore, Member States have to ensure that end-users will be also able to originate an emergency communication by using their digital wallet.

[34] Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73, ELI: http://data.europa.eu/eli/reg/2014/910/oj).

[34] Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73, ELI: http://data.europa.eu/eli/reg/2014/910/oj).

Or. en

Amendment 148

Proposal for a regulation
Recital 290

Text proposed by the Commission	*Amendment*
(290) Emergency communications and caller location information have to be routed to the most appropriate PSAP without delay to enable the appropriate answering and handling of the emergency communications. Effective routing of emergency communications should be ensured also in the context of the technological migration from circuit-switched to packet-switched technologies.	(290) Emergency communications***, automatically transmitted contextual data*** and caller location information have to be routed to the most appropriate PSAP without delay***, including where emergency communications are provided over satellite networks or network-independent services,*** to enable the appropriate answering and handling of the emergency communications. Effective routing of

The most appropriate PSAP is normally determined by the Member State on the basis of a territorial competence to handle emergency communications or the competence to handle a certain type of communication, for example a PSAP equipped to handle real-time text or sign-language communication. Interpersonal communications services provided through packet-switched technologies providing voice, text – including real-time text –, and video may be routed in the public network domain or PSAP domain. Depending on the national organisation of PSAPs, while the emergency communication reaches PSAP system through the public networks, further routing may be necessary within the PSAP IP network to reach the most appropriate PSAP. In order to guarantee the availability of effective emergency communications to the benefit of all end-users, Member States should ensure the timeliness of routing to the most appropriate PSAP of all types of emergency communications and of caller location information mandated on their territory. Member States should ***be able to*** mandate access to emergency services through emergency communications from number-independent interpersonal communications services ***as long as*** the national PSAP system allows for receiving these communications by routing to the most appropriate PSAP and for the receipt of caller location information. ***This may include the designation by a*** Member ***State of*** a single IP gateway ***for receiving*** emergency communications. ***Nonetheless, such providers should inform end-users when access to the single European emergency number '112' or to caller location information is not supported.***

emergency communications should be ensured also in the context of the technological migration from circuit-switched to packet-switched technologies. The most appropriate PSAP is normally determined by the Member State on the basis of a territorial competence to handle emergency communications or the competence to handle a certain type of communication, for example a PSAP equipped to handle real-time text or sign-language communication. Interpersonal communications services provided through packet-switched technologies providing voice, text – including real-time text –, and video may be routed in the public network domain or PSAP domain. Depending on the national organisation of PSAPs, while the emergency communication reaches PSAP system through the public networks, further routing may be necessary within the PSAP IP network to reach the most appropriate PSAP. In order to guarantee the availability of effective emergency communications to the benefit of all end-users, Member States should ensure the timeliness of routing to the most appropriate PSAP of all types of emergency communications and of caller location information mandated on their territory. Member States should mandate access to emergency services through emergency communications from ***interpersonal communications services, including*** number-independent interpersonal communications services***, and should ensure that*** the national PSAP system allows for receiving these communications by routing to the most appropriate PSAP and for the receipt of caller location information. ***To that end,*** Member ***States should ensure that national PSAP systems designate*** a single IP gateway ***which can receive*** emergency communications.

Or. en

Amendment 149

Proposal for a regulation
Recital 290 a (new)

Text proposed by the Commission	*Amendment*
	(290a) Satellite communications services can ensure connectivity where terrestrial networks are absent or have failed. Providers of satellite communications services should therefore ensure that end-users can access emergency services by using the single European emergency number '112', free of charge, including in geographic areas where terrestrial network coverage is absent or critically disrupted. In addition, where the migration to other network technologies results in the discontinuation of legacy services, providers of public electronic communications networks and publicly available electronic communications services should directly inform affected end-users of the specific impact of that migration on their ability to access emergency services through the number '112' using their existing terminal equipment.

Or. en

Amendment 150

Proposal for a regulation
Recital 292

Text proposed by the Commission	*Amendment*
(292) Member States should take specific measures to ensure that emergency services, including the single European emergency number '112', are equally accessible to end-users with disabilities, in particular deaf, hearing-impaired, speech-impaired and deaf-blind end-users and in accordance with Directive (EU) 2019/882.	(292) Member States should take specific measures to ensure that emergency services, including the single European emergency number '112', are equally accessible to end-users with disabilities, in particular deaf, hearing-impaired, speech-impaired and deaf-blind end-users and in accordance with Directive (EU) 2019/882.

The principle of equivalence implies that end-users with disabilities should be able to access emergency services through emergency communications in a functionally equivalent manner to that in which other end-users access emergency services, in particular by calling the '112' number via voice-based services.	The principle of equivalence implies that end-users with disabilities should be able to access emergency services through emergency communications in a functionally equivalent manner to that in which other end-users access emergency services, in particular by calling the '112' number via voice-based services. ***To that end, emergency communications should enable two-way interactive communication between the end-user with disabilities and the PSAP, including through the availability of relay services 24 hours a day.***

Or. en

Amendment 151

Proposal for a regulation
Recital 296

Text proposed by the Commission	*Amendment*
(296) A citizen in one Member State who needs to contact the emergency services in another Member State cannot do so because the home country PSAP may not have any contact information of the PSAP systemin other Member States. A Union-wide, secure database of numbers to reach the PSAP systems in each Member State should therefore be maintained. To that end, the ODN should maintain a secure database of E.164 numbers to contact Member State's PSAP systems, in order to ensure that the PSAPs in one Member State can be contacted by the PSAP in another.	(296) A citizen in one Member State who needs to contact the emergency services in another Member State cannot do so because the home country PSAP may not have any contact information of the PSAP systemin other Member States. A Union-wide, secure database of numbers to reach the PSAP systems in each Member State should therefore be maintained. To that end, ***BEREC, supported by*** the ODN***,*** should maintain a secure database of E.164 numbers ***and single IP gateways*** to contact Member State's PSAP systems, in order to ensure that the PSAPs in one Member State can be contacted by the PSAP in another ***and can exchange data with it***.

Or. en

Amendment 152

Proposal for a regulation
Recital 297

Text proposed by the Commission	*Amendment*
(297) Mobile number-based interpersonal communications service providers have an important role in the national preparedness strategies, therefore public warnings ***should be*** transmitted by those providers to all end-users concerned. The end-users concerned should be considered to be those who are located in the geographic areas potentially being affected by imminent or developing major emergencies and disasters during the warning period, as determined by the competent authorities.	(297) Mobile number-based interpersonal communications service providers have an important role in the national preparedness strategies, therefore***, where public warning systems regarding imminent or developing major emergencies and disasters are in place, Member States should ensure that*** public warnings ***can be instantaneously*** transmitted by those providers to all end-users concerned***, via the technology or technologies mandated by the Member States***. The end-users concerned should be considered to be those who are located in the geographic areas potentially being affected by imminent or developing major emergencies and disasters during the warning period, as determined by the competent authorities.

Or. en

Amendment 153

Proposal for a regulation
Recital 304

Text proposed by the Commission	*Amendment*
(304) Using a specific code or prefix should not relieve the legal or natural persons sending direct marketing call from the obligation to present their calling line or originating identification.	(304) Using a specific code or prefix should not relieve the legal or natural persons sending direct marketing call from the obligation to present their calling line or originating identification. ***Providers of interpersonal communications services offering automated calling systems, as well as the users of such systems, should not prevent the presentation of the calling line or originating identification to the receiving party and should present the identity or the number on which they can***

be contacted.

Or. en

Amendment 154

Proposal for a regulation
Recital 313 a (new)

Text proposed by the Commission	*Amendment*
	(313a) End-users should be able to use the standardised network functionalities and technologies supported by their terminal equipment irrespective of the operator authorised in the Union with which they have concluded a contract. Manufacturers of terminal equipment placed on the Union market and capable of connecting to public electronic communications networks should therefore ensure that such equipment supports those functionalities and technologies for end-users of all operators. Where the functioning of a standardised network functionality or technology depends on the assignment of a SIM, eSIM or network identifier to a carrier profile or other configuration file, manufacturers should integrate and maintain the relevant identifiers of all requesting operators on fair, reasonable, transparent and non-discriminatory terms, through a clear and accessible procedure and, upon a complete request, within 60 days. Operators should provide the technical information necessary for that purpose, and manufacturers and operators should cooperate in good faith and protect confidential information and trade secrets. Disputes should be resolved by a binding decision of the national regulatory authority within four months, taking utmost account of the opinion of BEREC where more than one Member State is affected. BEREC should issue guidelines on the consistent

implementation of those requirements, including common technical and procedural requirements for carrier configuration requests.

Or. en

Amendment 155

Proposal for a regulation
Recital 318

Text proposed by the Commission	*Amendment*
(318) Certain tasks should be undertaken only by national regulatory authorities, namely, bodies which are independent both from the sector and from any external intervention or political pressure. To ensure that national regulatory authorities are all competent to carry out necessary tasks and that BEREC outputs represent the position of the Member States well, those tasks should be extended to, for example, tasks related to the handling of the notifications and Single Passport procedure under the general authorisation regime, tasks related to the implementation of measures for the transition to fibre or related to the support on preparedness and resilience. In particular, given their expertise in market regulation and competition, national regulatory authorities should be competent to decide on market shaping and competition aspects of spectrum assignment procedures. Unless otherwise provided, Member States should be able to assign other regulatory tasks provided for in this Regulation either to the national regulatory authorities or to other competent authorities. Member States should promote the stability of competences of the national regulatory authorities with regard to the assignment of tasks which resulted from the transposition of the Union electronic communications regulatory framework, in particular those	(318) Certain tasks should be undertaken only by national regulatory authorities, namely, bodies which are independent both from the sector and from any external intervention or political pressure. To ensure that national regulatory authorities are all competent to carry out necessary tasks and that BEREC outputs represent the position of the Member States well, those tasks should be extended to, for example, tasks related to the handling of the notifications and Single Passport procedure under the general authorisation regime, tasks related to the implementation of measures for the transition to fibre ***or to the assessment and, where necessary, supervision of migration processes to other network technologies, including measures to ensure continuity of services and adequate information of affected end-users,*** or related to the support on preparedness and resilience. In particular, given their expertise in market regulation and competition, national regulatory authorities should be competent to decide on market shaping and competition aspects of spectrum assignment procedures. Unless otherwise provided, Member States should be able to assign other regulatory tasks provided for in this Regulation either to the national regulatory authorities or to other competent authorities. Member States should promote the stability of

related to market competition or market entry. Where tasks are assigned to other competent authorities, those other competent authorities should seek to consult the national regulatory authorities before taking a decision. Pursuant to the principle of good cooperation, national regulatory and other competent authorities should exchange information for the exercise of their tasks.

competences of the national regulatory authorities with regard to the assignment of tasks which resulted from the transposition of the Union electronic communications regulatory framework, in particular those related to market competition or market entry. Where tasks are assigned to other competent authorities, those other competent authorities should seek to consult the national regulatory authorities before taking a decision. Pursuant to the principle of good cooperation, national regulatory and other competent authorities should exchange information for the exercise of their tasks.

Or. en

Amendment 156

Proposal for a regulation
Recital 322

Text proposed by the Commission	*Amendment*
(322) There is a need to further reinforce the independence of the national regulatory authorities to ensure the imperviousness of its head and members to external pressure, by providing minimum appointment qualifications, and a minimum duration for their mandate. Furthermore, to address the risk of regulatory capture, ensure continuity and enhance independence, Member States should consider limiting the possibility of renewing the mandates of the head or members of the board and set up an appropriate rotation scheme for the board and the top management. This could be arranged, for instance, by appointing the first members of the collegiate body for different periods in order for their mandates, as well as that of their successors, not to lapse at the same moment.	(322) There is a need to further reinforce the independence of the national regulatory authorities to ensure the imperviousness of its head and members to external pressure, by providing minimum appointment qualifications, and a minimum duration for their mandate. Furthermore, to address the risk of regulatory capture, ensure continuity and enhance independence, Member States should consider limiting the possibility of renewing the mandates of the head or members of the board and set up an appropriate rotation scheme for the board and the top management. This could be arranged, for instance, by appointing the first members of the collegiate body for different periods in order for their mandates, as well as that of their successors, not to lapse at the same moment. ***In order to monitor the effectiveness of those safeguards, the Commission should, one year after the***

entry into force of this Regulation and every three years thereafter, publish and transmit to the European Parliament and to the Council a report evaluating the practical implementation of the provisions safeguarding the political independence and regulatory capacity of the national regulatory authorities.

Or. en

Amendment 157

Proposal for a regulation
Recital 331

Text proposed by the Commission	*Amendment*
(331) To contribute to the objectives of this Regulation, in addition to its current tasks, BEREC should promote effective cooperation among providers of electronic communications networks ***and*** undertakings active in closely related sectors, by issuing guidelines on facilitating ecosystem cooperation on technical and commercial matters related to the provision of electronic communications services or information society services and of innovative products and services to the benefit, in particular, of end-users, in compliance with competition law rules. BEREC should also be entrusted with new tasks on resilience and preparedness, including the adoption of a Union Preparedness Plan for Digital Infrastructures prepared ***by*** the ODN. BEREC should also adopt guidelines on technical and legal measures that could effectively protect end-users against fraudulent activities in the Union.	(331) To contribute to the objectives of this Regulation, in addition to its current tasks, BEREC should promote effective cooperation among providers of electronic communications networks***,***undertakings active in closely related sectors ***and manufacturers of terminal equipment***, by issuing guidelines on facilitating ecosystem cooperation on technical and commercial matters related to the provision of electronic communications services or information society services and of innovative products and services to the benefit, in particular, of end-users, in compliance with competition law rules***, by offering a facility for ecosystem cooperation and by issuing an annual opinion on areas of effective cooperation***. BEREC should also be entrusted with new tasks on resilience and preparedness, including the adoption of a Union Preparedness Plan for Digital Infrastructures prepared ***with the assistance of*** the ODN. BEREC should also adopt guidelines on technical and legal measures that could effectively protect end-users against fraudulent activities in the Union.

Or. en

Amendment 158

Proposal for a regulation
Recital 332

Text proposed by the Commission	*Amendment*
(332) The members of the BEREC Board of Regulators should be appointed by national regulatory authorities normally from among the heads of the national regulatory authority or members of its collegiate body. The rotation of the role of Chair of the BEREC Board of Regulators is intended to ensure continuity of BEREC's work. A rotation of the roles of Vice-Chairs is also promoted.	(332) The members of the BEREC Board of Regulators should be appointed by national regulatory authorities normally from among the heads of the national regulatory authority or members of its collegiate body. The rotation of the role of Chair of the BEREC Board of Regulators is intended to ensure continuity of BEREC's work. ***To that end, the Board of Regulators should appoint at least two Vice-Chairs, and the incoming Chair should serve at least one year as Vice-Chair before starting a one-year term of office as Chair.*** A rotation of the roles of Vice-Chairs is also promoted.

Or. en

Amendment 159

Proposal for a regulation
Recital 343

Text proposed by the Commission	*Amendment*
(343) In addition, where necessary, and on a case-by-case basis, the BEREC Board of Regulators, the RSPB Board and the ODN Management Board should be able to invite any person whose opinion may be of relevance, for example in light of their role and expertise, to participate in their meetings as an observer. Such observer status should not be permanent and consequently, an invite to participate in the meetings of the Board of Regulators, the	(343) In addition, where necessary, and on a case-by-case basis, the BEREC Board of Regulators, the RSPB Board and the ODN Management Board should be able to invite any person ***or institution*** whose opinion may be of relevance, for example in light of their role and expertise, to participate in their meetings as an observer. Such observer status should not be permanent and consequently, an invite to participate in the meetings of the Board of

RSPB Board or the Management Board should be issued for a specific meeting. Given the sensitive and confidential nature of certain discussions that BEREC and RSPB members may be required to have to carry out tasks such as for example related to resilience or with a strong Union dimension, it is necessary to empower the Commission to request that the participation to BEREC and RSPB meeting is restricted. The same possibility to request to limit participation should be given to the Chairs of BEREC and of the RSPB ***which may make such request in agreement with the Director of the ODN***.	Regulators, the RSPB Board or the Management Board should be issued for a specific meeting. Given the sensitive and confidential nature of certain discussions that BEREC and RSPB members may be required to have to carry out tasks such as for example related to resilience or with a strong Union dimension, it is necessary to empower the Commission to request that the participation to BEREC and RSPB meeting is restricted. The same possibility to request to limit participation should be given to the Chairs of BEREC and of the RSPB.

Or. en

Amendment 160

Proposal for a regulation
Recital 345

Text proposed by the Commission	*Amendment*
(345) In order to further increase the single market dimension of BEREC and the RSPB guidelines, opinions, reports and other documents, the ***single*** majority should become the rule for voting.	(345) In order to further increase the single market dimension of BEREC and the RSPB guidelines, opinions, reports and other documents, the ***absolute*** majority ***of members*** should become the rule for voting.

Or. en

Amendment 161

Proposal for a regulation
Recital 346

Text proposed by the Commission	*Amendment*
(346) Experience has shown that most of BEREC's and RSPB's tasks are better carried out through working groups. BEREC working groups should always	(346) Experience has shown that most of BEREC's and RSPB's tasks are better carried out through working groups. BEREC working groups should always

ensure equal consideration of all national regulatory authorities' views and contributions, while RSPB working groups should ensure equal consideration of all RSPB members' views and contributions. National regulatory and, where relevant, competent authorities responsible for radio spectrum should promptly respond to nomination requests in order to ensure the quick establishment of working groups, in particular those related to procedures with time-limits. The working groups should be open to the participation of experts from the Commission. To further enhance the impact of BEREC's and RSPB's output on the internal market, ***professional*** staff from the ODN should also ***systematically support and*** contribute to the working groups***' activities***. The BEREC Board of Regulators and the RSPB Board should therefore set up working groups***, through the ODN***, and appoint their Chairs, representing where possible different national regulatory and, where relevant, competent authorities responsible for radio spectrum***, and the ODN in light of expertise and availability of the ODN staff***.

ensure equal consideration of all national regulatory authorities' views and contributions, while RSPB working groups should ensure equal consideration of all RSPB members' views and contributions. National regulatory and, where relevant, competent authorities responsible for radio spectrum should promptly respond to nomination requests in order to ensure the quick establishment of working groups, in particular those related to procedures with time-limits. The working groups should be open to the participation of experts from the Commission. To further enhance the impact of BEREC's and RSPB's output on the internal market, staff from the ODN should also contribute to ***the regulatory work of*** the working groups ***by providing administrative support***. The BEREC Board of Regulators and the RSPB Board should therefore set up working groups, and appoint their Chairs, representing where possible different national regulatory and, where relevant, competent authorities responsible for radio spectrum.

Or. en

Amendment 162

Proposal for a regulation
Recital 347

Text proposed by the Commission	*Amendment*
(347) In the internal market procedure, where the BEREC working group is assessing a draft national measure proposed by a national regulatory authority and developing a draft opinion, if relevant, it should not be influenced by the views of the national regulatory authority that proposed the measure itself or of the Commission. Likewise, the RSPB and	(347) In the internal market procedure, where the BEREC working group is assessing a draft national measure proposed by a national regulatory authority and developing a draft opinion, if relevant, it should not be influenced by the views of the national regulatory authority that proposed the measure itself or of the Commission. Likewise, the RSPB and

BEREC working groups dealing with the notified draft national measures in the spectrum single market procedure should not be influenced either by views of a competent authority proposing the measure or of the Commission. Therefore, by way of exception, the experts from the Commission and relevant national regulatory authority or competent authority responsible for spectrum should not attend the meetings of the relevant BEREC or RSPB working group.	BEREC working groups dealing with the notified draft national measures in the spectrum single market procedure should not be influenced either by views of a competent authority proposing the measure or of the Commission. Therefore, by way of exception, the experts from the Commission and relevant national regulatory authority or competent authority responsible for spectrum should not attend the meetings of the relevant BEREC or RSPB working group. ***For the same reason, unless the working group chair or BEREC Chair decides otherwise, experts from the Commission should not participate in working group discussions on BEREC opinions addressed to the Commission, and the representative of the Commission should not participate in discussions of the Board of Regulators on BEREC opinions addressed to the Commission.***
	Or. en

Amendment 163

Proposal for a regulation
Recital 349

Text proposed by the Commission	*Amendment*
(349) Where appropriate and depending on the allocation of tasks to authorities in each Member State, other competent authorities ***should*** be invited to participate ***and*** their views ***should be*** taken into consideration in the relevant BEREC working group where their expertise is needed***. If experts from other competent authorities are unable to attend such meetings, national regulatory authorities should demonstrate that their views have been taken into account***. In any event, the independence of BEREC should be maintained. As a rule, BEREC and the RSPB working groups should have specific	(349) Where appropriate and depending on the allocation of tasks to authorities in each Member State, other competent authorities ***could*** be invited to participate ***so that*** their views ***are*** taken into consideration in the relevant BEREC working group where their expertise is needed. In any event, the independence of BEREC should be maintained. As a rule, BEREC and the RSPB working groups should have specific mandates and should be dissolved as soon as they complete their mandate. In this way, the work of BEREC and the RSPB would be more flexible and experts would be engaged where and for

mandates and should be dissolved as soon as they complete their mandate. In this way, the work of BEREC and the RSPB would be more flexible and experts would be engaged where and for time needed. On the other hand, it should be possible to create permanent BEREC or RSPB working groups where their activities are recurrent.

time needed. On the other hand, it should be possible to create permanent BEREC or RSPB working groups where their activities are recurrent.

Or. en

Amendment 164

Proposal for a regulation
Recital 357

Text proposed by the Commission	*Amendment*
(357) To ensure that BEREC receives sufficient support on its tasks and to strengthen the impact on the internal market of its output, this Regulation should assign the ODN clear and defined role and tasks, such as to ***actively participate and contribute to all the activities of*** BEREC working groups, ***prepare*** the Plan to strengthen the resilience and preparedness of electronic communications networks, services and other digital infrastructures at Union level in the event of natural or man-made disruptions, crises or force majeure which may have a significant adverse impact on the population or the functioning of the internal market, and to support the coordination among national regulatory authorities and other competent authorities to facilitate the issuance of single authorisations to operate within the Union. Given that to carry out the tasks assigned to it in support of BEREC, the RSPB or the Commission, the ODN needs to ***collect data and analyse it***, it is appropriate to entrust the ODN with the task to ***issue*** informative annual reports on the progress towards the single market for electronic communications. Such reports should	(357) To ensure that BEREC receives sufficient support on its tasks and to strengthen the impact on the internal market of its output, this Regulation should assign the ODN clear and defined role and tasks, such as to ***provide administrative support to*** BEREC working groups, ***assist BEREC in preparing*** the Plan to strengthen the resilience and preparedness of electronic communications networks, services and other digital infrastructures at Union level in the event of natural or man-made disruptions, crises or force majeure which may have a significant adverse impact on the population or the functioning of the internal market, and to support the coordination among national regulatory authorities and other competent authorities to facilitate the issuance of single authorisations to operate within the Union. Given that to carry out the tasks assigned to it in support of BEREC, the RSPB or the Commission, the ODN needs to ***assist in the collection and analysis of data***, it is appropriate to entrust the ODN with the task to ***support BEREC in preparing*** informative annual reports on the progress towards the single market for electronic

describe the state of the market, the market structure, and the impact of the measures implemented under this Regulation on the internal market, including the ex post effects of mergers on the market. The Commission may take them into account when preparing Digital Decade reports.	communications***, starting four years after the entry into force of this Regulation***. Such reports should describe the state of the market, the market structure, and the impact of the measures implemented under this Regulation on the internal market, including the ex post effects of mergers on the market. The Commission may take them into account when preparing Digital Decade reports.

Or. en

Amendment 165

Proposal for a regulation
Recital 361

Text proposed by the Commission	*Amendment*
(361) The Management Board of the ODN should decide on administrative matters, such as the budget, staff and audits, and the BEREC Board of Regulators should focus r on regulatory matters relating to BEREC's tasks. The Management Board should be composed ***of the representatives of the national regulatory authorities, of the Commission and of the RSPB. In principle, the representatives of the national regulatory authorities on the Management Board should be the same persons as those appointed to*** the BEREC Board of Regulators, ***but national regulatory authorities*** should ***be able to appoint other representatives fulfilling the same requirements***. Given that the ODN is tasked to support also the RSPB, the RSPB Chair should be a member of the Management Board, to ensure that the needs of the RSPB are adequately addressed.	(361) The Management Board of the ODN should decide on administrative matters, such as the budget, staff and audits, and the BEREC Board of Regulators should focus r on regulatory matters relating to BEREC's tasks. The Management Board should be composed ***nine members of*** the BEREC Board of Regulators, ***the Chair of the RSPB Board, two members appointed by the European Parliament, who*** should ***not be Members of the European Parliament, and one representative of the Commission, each having the right to vote. A Management Board smaller than the Board of Regulators should allow efficient decision-making on administrative matters. The members appointed by the European Parliament and their alternates should serve a term of office of four years, renewable once***. Given that the ODN is tasked to support also the RSPB, the RSPB Chair should be a member of the Management Board, to ensure that the needs of the RSPB are adequately addressed.

Or. en

Amendment 166

Proposal for a regulation
Recital 366

Text proposed by the Commission	*Amendment*
(366) In order to guarantee the ODN's autonomy and independence, and in order to provide support to the work of BEREC and RSPB, the ODN should have its own budget. The budget should be adequate and should reflect the additional tasks assigned and the enhanced role of BEREC, RSPB and the ODN. The ODN should be mainly financed from the general budget of the Union. However, to ensure that it has adequate budget to carry out its tasks, the ODN should be able to levy fees from undertakings for obtaining and maintaining Union satellite authorisations ***and pan-European numbering resources***. The level of those fees and the modalities for payments should be set by the Commission in implementing acts. The financing of the ODN should be subject to an agreement by the budgetary authority as set out in point 27 of the Inter-institutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission[44] . In order to further extend the consistent implementation of the regulatory framework for electronic communications, the BEREC Board of Regulators, the RSPB Board, the working groups, where relevant, and the Management Board should be open to the participation of authorities of third countries competent in the field of electronic communications or spectrum policy where those third countries have entered into agreements with the Union to that effect, such as EEA EFTA States and candidate countries.	(366) In order to guarantee the ODN's autonomy and independence, and in order to provide support to the work of BEREC and RSPB, the ODN should have its own budget. The budget should be adequate and should reflect the additional tasks assigned and the enhanced role of BEREC, RSPB and the ODN. The ***estimates in the ODN's budget and establishment plan should be commensurate with the tasks assigned to the BEREC Office and BEREC under Regulation (EU) 2018/1971 and Directive (EU) 2018/1972 and with the new tasks entrusted to the ODN and BEREC by this Regulation, and any new task should be conferred on the ODN only where accompanied by adequate appropriations and establishment plan posts. The*** ODN should be mainly financed from the general budget of the Union. However, to ensure that it has adequate budget to carry out its tasks, the ODN should be able to levy fees from undertakings for obtaining and maintaining Union satellite authorisations. The level of those fees and the modalities for payments should be set by the Commission in implementing acts. The financing of the ODN should be subject to an agreement by the budgetary authority as set out in point 27 of the Inter-institutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission[44] . In order to further extend the consistent implementation of the regulatory framework for electronic communications, the BEREC Board of Regulators, the RSPB Board, the working

groups, where relevant, and the Management Board should be open to the participation of authorities of third countries competent in the field of electronic communications or spectrum policy where those third countries have entered into agreements with the Union to that effect, such as EEA EFTA States and candidate countries.

[44] Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources (OJ L 433I, 22.12.2020, p. 28, ELI: http://data.europa.eu/eli/agree_interinstit/2020/1222/oj)

[44] Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources (OJ L 433I, 22.12.2020, p. 28, ELI: http://data.europa.eu/eli/agree_interinstit/2020/1222/oj)

Or. en

Amendment 167

Proposal for a regulation
Recital 376

Text proposed by the Commission	*Amendment*
(376) In order to support Union sustainability objectives, it is vital that the Union attracts investments into sustainable activities in the field of electronic communications networks and services. Such regulations as, but not limited to, Regulation (EU) 2020/852 of the European Parliament and of the Council[45] and under Directive (EU) 2022/2464 of the European Parliament and of the Council[46] allow financial and non-financial undertakings to share a common definition of economic activities that can be considered sustainable. Electronic communications	(376) In order to support Union sustainability objectives, it is vital that the Union attracts investments into sustainable activities in the field of electronic communications networks and services. Such regulations as, but not limited to, Regulation (EU) 2020/852 of the European Parliament and of the Council[45] and under Directive (EU) 2022/2464 of the European Parliament and of the Council[46] allow financial and non-financial undertakings to share a common definition of economic activities that can be considered sustainable. Electronic communications

networks are covered notably by the Union Code of Conduct for the sustainability of telecommunications networks, as planned under the Commission's Communication of 18 October 2022 entitled 'Digitalising the energy system - EU action plan'. In line with the once-only principle, ***it is necessary that*** national regulatory and other competent authorities ***assess whether the information on sustainability already provided by undertakings pursuant to Union law is sufficient for them*** and BEREC to carry out their ***regulatory*** tasks under ***Union law***. In this regard, BEREC should, as part of its horizontal guidelines on information and reporting, map the sustainability related reporting obligations. BEREC should cooperate with other competent authorities to ensure efficient data gathering and processing from other sustainability related reports required by Union law or national law in the application of Union law, with the view to minimising the administrative burden and reusing the existing relevant data.

networks are covered notably by the Union Code of Conduct for the sustainability of telecommunications networks, as planned under the Commission's Communication of 18 October 2022 entitled 'Digitalising the energy system - EU action plan'. In line with the once-only principle, ***information on sustainability should be collected only where the information already provided by undertakings pursuant to other Union law is insufficient for*** national regulatory and other competent authorities and BEREC to carry out their tasks under ***this Regulation***. In this regard, BEREC should, as part of its horizontal guidelines on information and reporting, map the sustainability related reporting obligations. BEREC should cooperate with other competent authorities to ensure efficient data gathering and processing from other sustainability related reports required by Union law or national law in the application of Union law, with the view to minimising the administrative burden and reusing the existing relevant data.

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[45] Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13, ELI: http://data.europa.eu/eli/reg/2020/852/oj).

[46] Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p. 15, ELI: http://data.europa.eu/eli/dir/2022/2464/oj).

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[45] Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13, ELI: http://data.europa.eu/eli/reg/2020/852/oj).

[46] Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p. 15, ELI: http://data.europa.eu/eli/dir/2022/2464/oj).

Or. en

Amendment 168

Proposal for a regulation
Recital 379

Text proposed by the Commission	*Amendment*
(379) To alleviate the burden of information requests from network and service providers and the competent authority concerned, BEREC should adopt guidelines on the scope of information and reporting requests, templates, formats, timing and frequency. BEREC guidelines should harmonise regular and systematic reporting related to general authorisation, individual rights of use for scarce resources and specific obligations and should not be required more than once per year and should be subject to BEREC templates as well. Any information requests and reporting obligations should be proportionate, objectively justified and limited to what is strictly necessary. In particular, duplication of requests for information by the competent authority and by BEREC, and the systematic and regular proof of compliance with all conditions under a general authorisation or a right of use, should be avoided. Undertakings should be made aware of the intended use of the information sought. Provision of information should not be a condition for market access. For statistical purposes and to maintain accurate information in the notifications database, a notification may be required from providers of electronic communications networks or services when they cease activities.	(379) To alleviate the burden of information requests from network and service providers and the competent authority concerned, BEREC should adopt guidelines on the scope of information and reporting requests, templates, formats, timing and frequency***. BEREC should review and, where appropriate, update those guidelines every three years, taking into account market, regulatory and policy developments and the need to reduce administrative burden***. BEREC guidelines should harmonise regular and systematic reporting related to general authorisation, individual rights of use for scarce resources and specific obligations and should not be required more than once per year and should be subject to BEREC templates as well. Any information requests and reporting obligations should be proportionate, objectively justified and limited to what is strictly necessary. In particular, duplication of requests for information by the competent authority and by BEREC, and the systematic and regular proof of compliance with all conditions under a general authorisation or a right of use, should be avoided. Undertakings should be made aware of the intended use of the information sought. Provision of information should not be a condition for market access. For statistical purposes and to maintain accurate information in the notifications database, a notification may be required from providers of electronic communications networks or services when they cease activities.

Or. en

Amendment 169

Proposal for a regulation
Recital 380

Text proposed by the Commission	*Amendment*
(380) Regulatory intervention must rely on detailed information regarding network roll-out in order to be effective and to target the areas where it is needed. That information is essential for the purpose of promoting investment, increasing connectivity across the Union and providing information to all relevant authorities and citizens. It should include surveys regarding both deployment of ***gigabit*** networks as well as significant upgrades or extensions of networks which might not match the performance characteristics of ***gigabit*** networks in all respects, such as roll-out of fibre to the cabinet coupled with active technologies like vectoring. The gathering of information should also support the process of copper switch-off with all the relevant information. The relevant forecasts should concern periods of up to three years. The level of detail and territorial granularity of the information that competent authorities should gather should be guided by the specific regulatory objective and should be adequate for the regulatory purposes that it serves. Therefore, the size of the territorial unit will also vary between Member States, depending on the regulatory needs in the specific national circumstances, and on the availability of local data. National regulatory and other competent authorities should be guided by BEREC guidelines on best practice to approach such a task, and such guidelines will be able to rely on the existing experience of national regulatory and/or other competent authorities in conducting geographical surveys of networks roll-out. Without prejudice to the respect of confidential information and business secrets, competent authorities should, where the information is not	(380) Regulatory intervention must rely on detailed information regarding network roll-out in order to be effective and to target the areas where it is needed. That information is essential for the purpose of promoting investment, increasing connectivity across the Union and providing information to all relevant authorities and citizens. It should include surveys regarding both deployment of ***very high capacity*** networks as well as significant upgrades or extensions of networks which might not match the performance characteristics of ***very high capacity*** networks in all respects, such as roll-out of fibre to the cabinet coupled with active technologies like vectoring. The gathering of information should also support the process of copper switch-off with all the relevant information. The relevant forecasts should concern periods of up to three years. The level of detail and territorial granularity of the information that competent authorities should gather should be guided by the specific regulatory objective and should be adequate for the regulatory purposes that it serves. Therefore, the size of the territorial unit will also vary between Member States, depending on the regulatory needs in the specific national circumstances, and on the availability of local data. National regulatory and other competent authorities should be guided by BEREC guidelines on best practice to approach such a task, and such guidelines will be able to rely on the existing experience of national regulatory and/or other competent authorities in conducting geographical surveys of networks roll-out. Without prejudice to the respect of confidential information and business secrets, competent authorities

already available on the market, make data directly accessible in an open format in accordance with Directive (EU) 2019/1024 of the European Parliament and of the Council[47] and without restrictions on reuse the information gathered in such surveys and should make available tools to end-users as regards quality of service to contribute towards the improvement of their awareness of the available connectivity services. In gathering any of that information, all authorities concerned should respect the principle of confidentiality and should avoid causing a competitive disadvantage to any undertaking.

[47] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56, ELI: http://data.europa.eu/eli/dir/2019/1024/oj).

should, where the information is not already available on the market, make data directly accessible in an open format in accordance with Directive (EU) 2019/1024 of the European Parliament and of the Council[47] and without restrictions on reuse the information gathered in such surveys and should make available tools to end-users as regards quality of service to contribute towards the improvement of their awareness of the available connectivity services. In gathering any of that information, all authorities concerned should respect the principle of confidentiality and should avoid causing a competitive disadvantage to any undertaking.

[47] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56, ELI: http://data.europa.eu/eli/dir/2019/1024/oj).

Or. en

Amendment 170

Proposal for a regulation
Recital 384

Text proposed by the Commission	*Amendment*
(384) Accurate calculation of availability (premises passed), readiness (premises connected) and take-up (premises activated) of the geographical reach of ***gigabit*** networks connectivity coverage, take-up rates as well as market shares require a precise denominator. To ensure the robustness of these calculations, national regulatory authorities and other competent authorities should have access to the authoritative count of households and physical premises per address point, as	(384) Accurate calculation of availability (premises passed), readiness (premises connected) and take-up (premises activated) of the geographical reach of ***very high capacity*** networks connectivity coverage, take-up rates as well as market shares require a precise denominator. To ensure the robustness of these calculations, national regulatory authorities and other competent authorities should have access to the authoritative count of households and physical premises per address point, as

held by National Statistical Institutes or Cadastral Authorities. Access to this reliable data is essential to calculate accurate connectivity coverage and penetration rates for the monitoring of Digital Decade targets and to ensure robust and consistent market analysis across the Union.

held by National Statistical Institutes or Cadastral Authorities. Access to this reliable data is essential to calculate accurate connectivity coverage and penetration rates for the monitoring of Digital Decade targets and to ensure robust and consistent market analysis across the Union.

Or. en

Amendment 171

Proposal for a regulation
Recital 385

Text proposed by the Commission	*Amendment*
(385) Access to ***gigabit*** networks is a prerequisite for social inclusion and economic development, yet demand-side factors significantly influence market contestability and investment viability. To effectively perform market analyses, define relevant markets, and target public interventions, national regulatory authorities should be able to distinguish between 'infrastructure gaps' (where networks are absent) and 'adoption gaps' (where networks exist but remain unused). Therefore, it may be useful to compare geospatial network data and socio-economic micro-data to assess the possible constraints affecting coverage, demand, and digital inclusion.	(385) Access to ***resilient very high capacity*** networks is a prerequisite for social inclusion and economic development, yet demand-side factors significantly influence market contestability and investment viability. To effectively perform market analyses, define relevant markets, and target public interventions, national regulatory authorities should be able to distinguish between 'infrastructure gaps' (where networks are absent) and 'adoption gaps' (where networks exist but remain unused). Therefore, it may be useful to compare geospatial network data and socio-economic micro-data to assess the possible constraints affecting coverage, demand, and digital inclusion.

Or. en

Amendment 172

Proposal for a regulation
Recital 391

Text proposed by the Commission	*Amendment*
(391) Bridging the digital divide in the Union is essential to enable all citizens of the Union to have access to the internet and digital services. To that end, in the case of specific and well-defined areas, the relevant authorities should have the possibility to invite undertakings and public authorities to declare their intention to deploy ***gigabit*** networks in those areas, allowing them sufficient time to provide a thoroughly considered response. The information included in the forecasts should reflect the economic prospects of the electronic communications networks sector and investment intentions of undertakings at the time when the data are gathered, in order to allow the identification of available connectivity in different areas. Where an undertaking or public authority declares an intention to deploy in an area, the national regulatory or other competent authority should be able to require other undertakings and public authorities to declare whether or not they intend to deploy ***gigabit*** networks. That procedure, that relies on market participants responding truthfully and in good faith, should create transparency for undertakings and public authorities that have expressed their interest in deploying in this area, so that, when designing their business plans, they can assess the likely competition that they will face from other networks. In the interests of predictable investment conditions, competent authorities should be able to share information with undertakings and public authorities expressing interest in deploying ***gigabit*** networks on whether other types of network upgrades, are present or foreseen in the area in question.	(391) Bridging the digital divide in the Union is essential to enable all citizens of the Union to have access to the internet and digital services. To that end, in the case of specific and well-defined areas, the relevant authorities should have the possibility to invite undertakings and public authorities to declare their intention to deploy ***very high capacity*** networks in those areas, allowing them sufficient time to provide a thoroughly considered response. The information included in the forecasts should reflect the economic prospects of the electronic communications networks sector and investment intentions of undertakings at the time when the data are gathered, in order to allow the identification of available connectivity in different areas. Where an undertaking or public authority declares an intention to deploy in an area, the national regulatory or other competent authority should be able to require other undertakings and public authorities to declare whether or not they intend to deploy ***very high capacity*** networks. That procedure, that relies on market participants responding truthfully and in good faith, should create transparency for undertakings and public authorities that have expressed their interest in deploying in this area, so that, when designing their business plans, they can assess the likely competition that they will face from other networks. In the interests of predictable investment conditions, competent authorities should be able to share information with undertakings and public authorities expressing interest in deploying ***very high capacity*** networks on whether other types of network upgrades, are present or foreseen in the area in question.

Or. en

Amendment 173

Proposal for a regulation
Recital 398

Text proposed by the Commission	*Amendment*
(398) Out-of-court dispute resolution procedures may constitute a fast and cost-efficient way for end-users to enforce their rights, in particular for consumers and microenterprises ***and small enterprises*** as defined in the Annex to Commission Recommendation 2003/361/EC[52] . Member States should enable the national regulatory authority or another competent authority responsible for, or at least one independent body with proven expertise in dealing with, end-user rights to act as an alternative dispute resolution entity. With respect to such dispute resolutions, the authorities or other bodies notified as alternative dispute resolution entities should fully meet the quality requirements of the Directive 2013/11/EU of the European Parliament and of the Council[53] , notably, it should not be subject to any instructions. As many Member States have established dispute resolution procedures also for end-users other than consumers, to whom Directive 2013/11/EU of the European Parliament and of the Council does not apply, it is reasonable to maintain the sector-specific dispute resolution procedure for both consumers and, where Member States extend it, also for other end-users, in particular microenterprises ***and small enterprises***. In relation to out-of-court dispute resolution, Member States should be able to maintain or introduce rules that go beyond those laid down by Directive 2013/11/EU in order to ensure a higher level of consumer protection.	(398) Out-of-court dispute resolution procedures may constitute a fast and cost-efficient way for end-users to enforce their rights, in particular for consumers and microenterprises as defined in the Annex to Commission Recommendation 2003/361/EC[52] . Member States should enable the national regulatory authority or another competent authority responsible for, or at least one independent body with proven expertise in dealing with, end-user rights to act as an alternative dispute resolution entity. With respect to such dispute resolutions, the authorities or other bodies notified as alternative dispute resolution entities should fully meet the quality requirements of the Directive 2013/11/EU of the European Parliament and of the Council[53] , notably, it should not be subject to any instructions. As many Member States have established dispute resolution procedures also for end-users other than consumers, to whom Directive 2013/11/EU of the European Parliament and of the Council does not apply, it is reasonable to maintain the sector-specific dispute resolution procedure for both consumers and, where Member States extend it, also for other end-users, in particular microenterprises ***not-for-profit organisations***. In relation to out-of-court dispute resolution, Member States should be able to maintain or introduce rules that go beyond those laid down by Directive 2013/11/EU in order to ensure a higher level of consumer protection. ***Providers of internet access services and of publicly available interpersonal communications services should put in place transparent, simple and efficient procedures to address complaints relating to the rules on open internet access and to the end-user rights***

laid down in this Regulation.

[52] Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj).

[53] Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj).

[52] Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj).

[53] Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj).

Or. en

Amendment 174

Proposal for a regulation
Recital 399

Text proposed by the Commission	*Amendment*
(399) In the event of a dispute between undertakings in the same Member State in an area covered by this Regulation, for example relating to obligations for access and interconnection or to the means of transferring end-user lists, an aggrieved party that has negotiated in good faith but failed to reach agreement should be able to call on the national regulatory authority to resolve the dispute. National regulatory authorities should be able to impose a solution on the parties. The intervention of a national regulatory authority in the resolution of a dispute between providers of electronic communications networks to the public or services or associated facilities in a Member State should seek to ensure compliance with the obligations arising under this Regulation.	(399) In the event of a dispute between undertakings in the same Member State in an area covered by this Regulation, for example relating to obligations for access and interconnection or to the means of transferring end-user lists, an aggrieved party that has negotiated in good faith but failed to reach agreement should be able to call on the national regulatory authority to resolve the dispute. National regulatory authorities should be able to impose a solution on the parties. The intervention of a national regulatory authority in the resolution of a dispute between providers of electronic communications networks to the public or services or associated facilities in a Member State***, or between such providers and significant traffic providers,*** should seek to ensure compliance with the obligations arising

under this Regulation.

Or. en

Amendment 175

Proposal for a regulation
Recital 405

Text proposed by the Commission	*Amendment*
(405) In order to promote effective cooperation between providers of electronic communications networks ***and*** other undertakings active in the electronic communications or closely related sectors, it is appropriate to establish a ***voluntary conciliation procedure*** to facilitate dialogue on technical and commercial ***arrangements***. Such a ***procedure*** provides a structured and neutral forum, ***supported by national regulatory authorities in cooperation with*** BEREC to encourage amicable solutions and reduce the likelihood of protracted disputes and enhance regulatory consistency. ***In order to ensure a coherent and harmonised application of this voluntary conciliation procedure across the Union, close cooperation with BEREC should be ensured throughout the procedure, including in the conciliation meeting and its report. In particular***, BEREC should ***provide*** an opinion on ***individual cases brought forward by the parties in the context of conciliation procedures led by national regulatory authorities. In addition, the*** guidelines on ecosystem cooperation ***should provide guidance to national regulatory authorities on the assessment of the relevant commercial and technical matters, as well as on options for effective cooperation between the parties***. By encouraging cooperation and mutual understanding, this ***procedure*** can contribute to the more efficient, economically sustainable and reliable	(405) In order to promote effective cooperation between providers of electronic communications networks**,**other undertakings active in the electronic communications or closely related sectors ***and manufacturers of terminal equipment***, it is appropriate to establish a ***facility for ecosystem cooperation*** to facilitate dialogue on technical and commercial ***cooperation***. Such a ***facility*** provides a structured and neutral forum, ***offered by*** BEREC ***on its own initiative or on request and convened by the ODN,*** to encourage amicable solutions and reduce the likelihood of protracted disputes and enhance regulatory consistency. ***Once every 12 months***, BEREC should ***issue*** an opinion on ***areas of effective cooperation in accordance with its*** guidelines on ecosystem cooperation ***and, where appropriate, recommend possible next steps***. By encouraging cooperation and mutual understanding, this ***facility*** can contribute to the more efficient, economically sustainable and reliable delivery of IP traffic, support interoperability and quality of services, and facilitate the deployment of innovative services based on collaboration, while preserving contractual freedom.

delivery of IP traffic, support interoperability and quality of services, and facilitate the deployment of innovative services based on collaboration, while preserving contractual freedom.

Or. en

Amendment 176

Proposal for a regulation
Recital 411

Text proposed by the Commission	*Amendment*
(411) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt decisions to resolve cross-border harmful interference between Member States; to identify a harmonised or coordinated approach for the purpose of addressing inconsistent implementation of general regulatory approaches by national regulatory authorities on the regulation of electronic communications markets, as well as numbering, including number ranges, portability of numbers and identifiers, number and address translation systems, and access to emergency services through the single European emergency number '112'; to make the implementation of standards or specifications compulsory, or remove standards or specifications from the compulsory part of the list of standards; to adopt the technical and organisational measures to appropriately manage the risks posed to security of networks and services, as well as the circumstances, format and procedures applicable to notification of security incidents; to specify relevant details relating to tradable individual rights publicly available in a standardised electronic format when the rights of use for radio spectrum are created to specify the physical and technical characteristics of	(411) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt decisions to resolve cross-border harmful interference between Member States; to identify a harmonised or coordinated approach for the purpose of addressing inconsistent implementation of general regulatory approaches by national regulatory authorities on the regulation of electronic communications markets, as well as numbering, including number ranges, portability of numbers and identifiers, number and address translation systems, and access to emergency services through the single European emergency number '112'; to make the implementation of standards or specifications compulsory, or remove standards or specifications from the compulsory part of the list of standards; to adopt the technical and organisational measures to appropriately manage the risks posed to security of networks and services, as well as the circumstances, format and procedures applicable to notification of security incidents; to specify relevant details relating to tradable individual rights publicly available in a standardised electronic format when the rights of use for radio spectrum are created to specify the physical and technical characteristics of

small-area wireless access points; to authorise or prevent a national regulatory authority from imposing on undertakings designated as having significant market power certain obligations for access or interconnection; ***to harmonise specific numbers or numbering ranges to address unmet cross-border or pan-European demand for numbering resources;*** and to specify the contract summary template to be provided to consumers. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[54] .

[54] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

small-area wireless access points; to authorise or prevent a national regulatory authority from imposing on undertakings designated as having significant market power certain obligations for access or interconnection; and to specify the contract summary template to be provided to consumers. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[54] .

[54] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

Or. en

Amendment 177

Proposal for a regulation
Recital 412 a (new)

Text proposed by the Commission	*Amendment*
	(412a) In order to reduce administrative burden, facilitate the cross-border provision of electronic communications networks and services and give effect to the once-only principle, Member States, national regulatory and other competent authorities, BEREC, the RSPB, the ODN and the Commission should enable and use the European Business Wallets, according to the Regulation of the European Parliament and of the Council [XXX] on the establishment of European

Business Wallets, in the application of this Regulation, in particular, for exchanges of information and documents with undertakings. Their use should be without prejudice to the requirements of Regulation (EU) 2024/903 for the exchange of information by electronic means between public authorities.

Or. en

Amendment 178

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission	*Amendment*
(1) 'electronic communications network' means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;	(1) 'electronic communications network' means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed and mobile networks, ***content delivery networks, submarine communication cables,*** electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;

Or. en

Amendment 179

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – paragraph 1

Text proposed by the Commission	*Amendment*
'***gigabit*** network' means either an electronic communications network which consists wholly of optical fibre elements up to the ***network termination*** point, or an electronic communications network which is capable of delivering, under usual peak-time conditions, similar network performance in terms of available downlink and uplink bandwidth, resilience, error-related parameters, and latency and its variation;	'***very high capacity*** network' means either an electronic communications network which consists wholly of optical fibre elements ***at least*** up to the ***distribution*** point ***at the serving location***, or an electronic communications network which is capable of delivering, under usual peak-time conditions, similar network performance in terms of available downlink and uplink bandwidth, resilience, error-related parameters, and latency and its variation; ***network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point;***

Or. en

Amendment 180

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – paragraph 2

Text proposed by the Commission	*Amendment*
This definition replaces the definition of 'very high capacity network' of Article 2(2) of Directive (EU) 2018/1972;	***deleted***

Or. en

Amendment 181

Proposal for a regulation
Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission	*Amendment*
	(3a) 'critical communication' means

electronic communication that is not publicly available, and which is essential for communication in emergencies and crisis situations and for restoring or maintaining security and public safety;

Or. en

Amendment 182

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission	*Amendment*
(4) 'premises passed' means ***end users'*** premises for which an operator has deployed its access network up to serving point ***(i.e.*** the first concentration or distribution point intended to serve ***that*** premises***)***, such that, from receipt of the request, the operator can make the access service available within four weeks with reasonable additional built out ***(i.e.*** by carrying out only the standard premises-specific final drop connection and activation, without extending the access network beyond the serving point;	(4) 'premises passed' means premises ***at which an end-user may request an access service and*** for which an operator has deployed its access network up to serving point***, that is*** the first concentration or distribution point intended to serve ***those*** premises, such that, from receipt of the request, the operator can make the access service available within four weeks with reasonable additional built out***, (in particular*** by carrying out only the standard premises-specific final drop connection and activation, without ***the need for*** extending the access network beyond the serving point;

Or. en

Amendment 183

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission	*Amendment*
(5) 'premises connected' means ***an end-user's*** premises where the access network infrastructure has been physically extended from the serving point and terminated inside ***the end user's*** premises;	(5) 'premises connected' means premises where the access network infrastructure has been physically extended from the serving point and terminated inside ***those*** premises;

Or. en

Amendment 184

Proposal for a regulation
Article 2 – paragraph 1 – point 29 a (new)

Text proposed by the Commission	*Amendment*
	(29a) 'significant traffic provider' means an undertaking which, alone or together with undertakings belonging to the same group within the meaning of Article 2(11) of Directive 2013/34/EU, originates or delivers, on average during peak hours over the preceding calendar year, at least 2 % of the total downstream traffic delivered to end-users in the Union, irrespective of its place of establishment and of whether it is a provider of electronic communications networks or services; for the purpose of that calculation, traffic delivered through third-party content delivery networks or transit providers shall be attributed to the undertaking originating it and shall not be counted more than once;

Or. en

Amendment 185

Proposal for a regulation
Article 3 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) reinforce the competitiveness of the connectivity sector and industry at-large by facilitating investments in advanced digital infrastructures, including cloud and AI based solutions, by enabling innovative services, including quality-assured and reliable services, and by facilitating cooperation among players in the broader	(a) reinforce the competitiveness of the connectivity sector and industry at-large ***and the overall European economy*** by facilitating investments in advanced digital infrastructures, including cloud and AI based solutions, by enabling innovative services, including quality-assured and reliable services, and by facilitating

digital ecosystem;	cooperation among players in the broader digital ecosystem;

Or. en

Amendment 186

Proposal for a regulation
Article 3 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) promote investment in connectivity and widespread availability, access to and take-up of ***gigabit networks***, including fixed, mobile and wireless networks, to the benefit of all citizens and businesses of the Union, in terms of price, quality and choice;	(d) promote investment in connectivity and widespread availability, access to and take-up of ***resilient very high capacity***, including fixed, mobile and wireless networks, to the benefit of all citizens and businesses of the Union, in terms of price, quality and choice;

Or. en

Amendment 187

Proposal for a regulation
Article 3 – paragraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) ***ensure the provision of high-quality, affordable and publicly available electronic communications services to all end-users through*** effective competition in electronic communications networks and associated facilities, including efficient infrastructure-based competition, ***and in*** electronic communications services and associated services throughout the Union;	(e) ***promote*** effective competition in ***the provision of*** electronic communications networks and associated facilities, including efficient infrastructure-based competition, ***between providers of electronic communications networks and services, as well as in the broader context of the digital sector, to ensure the provision of high-quality, affordable and publicly available*** electronic communications services and associated services ***to all end-users*** throughout the Union;

Or. en

Amendment 188

Proposal for a regulation
Article 3 – paragraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) promote sustainability by facilitating investments in energy-efficient ***and low-carbon*** digital networks and solutions and incentivise end-to-end traffic efficiency;	(g) promote ***environmental*** sustainability by facilitating investments in energy-efficient digital networks and ***low-carbon*** solutions and incentivise end-to-end traffic efficiency;

Or. en

Amendment 189

Proposal for a regulation
Article 3 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(e) take due account of the variety of conditions relating to infrastructure, competition, the circumstances of end-users and, in particular, consumers in the various geographic areas within a Member State***.***	(e) take due account of the variety of conditions relating to infrastructure, competition, the circumstances of end-users and, in particular, consumers in the various geographic areas within a Member State***;***

Or. en

Amendment 190

Proposal for a regulation
Article 3 – paragraph 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) avoid imposing unnecessary regulatory, administrative or financial burdens on undertakings.

Or. en

Amendment 191

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Providers of public electronic communications networks, publicly available electronic communications services and other providers referred to in Article 9(2), national regulatory authorities, national competent authorities designated pursuant to Article 8(1) of Directive (EU) 2022/2555[56] and other competent authorities including, where relevant, national crisis management and civil protection authorities, including cyber crisis management authorities designated pursuant to Article 9(1) of Directive (EU) 2022/2555, shall cooperate to ensure the continuous availability of electronic communications networks and services as well as their necessary capabilities to anticipate, prevent, prepare for and respond to natural or man-made disruptions, crises or force majeure that may negatively affect the population.	Providers of public electronic communications networks, publicly available electronic communications services and other providers referred to in Article 9(2), national regulatory authorities, national competent authorities designated pursuant to Article 8(1) of Directive (EU) 2022/2555[56] and other competent authorities including, where relevant, national crisis management and civil protection authorities, including cyber crisis management authorities designated pursuant to Article 9(1) of Directive (EU) 2022/2555, ***as well as competent authorites designated pursuant to Article 9(1) of Directive 2022/2557,*** shall cooperate to ensure the continuous availability of electronic communications networks and services as well as their necessary capabilities to anticipate, prevent, prepare for and respond to natural or man-made disruptions, crises or force majeure that may negatively affect the population.
[56] Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive)), (OJ L 333, 27.12.2022, p 80, ELI: http://data.europa.eu/eli/C/2025/3445/oj).	[56] Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive)), (OJ L 333, 27.12.2022, p 80, ELI: http://data.europa.eu/eli/C/2025/3445/oj).

Or. en

Amendment 192

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to ***Directive*** (EU) 2022/2555, providers referred to in paragraph 1 of this Article and PSAPs shall take all necessary measures, with consideration of the BEREC Union Preparedness Plan for Digital Infrastructures referred to in Article 6 of this Regulation, to ensure uninterrupted availability of critical communications and emergency communications, as well as uninterrupted transmission of public warnings, in the case of natural or man-made disruptions, crises or force majeure that may negatively affect the population.	2. Without prejudice to ***Directives*** (EU) 2022/2555 ***and (EU) 2022/2557***, providers referred to in paragraph 1 of this Article and PSAPs shall take all necessary measures, with consideration of the BEREC Union Preparedness Plan for Digital Infrastructures referred to in Article 6 of this Regulation, to ensure uninterrupted availability of critical communications and emergency communications, as well as uninterrupted transmission of public warnings, in the case of natural or man-made disruptions, crises or force majeure that may negatively affect the population.

Or. en

Amendment 193

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where the migration to other network technologies may result in the discontinuation of services on currently used end-user devices, providers of public electronic communications networks and of publicly available electronic communications services shall inform national competent authorities and end-users at least ***2*** years in advance***, by providing*** a roadmap reflecting the migration process.	4. Where the migration to other network technologies may ***have a material impact on the continuity of emergency services, or*** result in the ***permanent*** discontinuation of ***any*** services on currently used end-user devices, providers of public electronic communications networks and of publicly available electronic communications services shall inform national competent authorities and***, in case of retail operators,*** end-users at least ***3*** years in advance ***and provide*** a roadmap reflecting the migration process. ***The national competent authority shall assess the roadmap within 6 months and,***

where necessary, may impose on providers, having contractual relations with end-users, mitigation measures, in particular regarding information to the affected end-users, before discontinuation takes place.

Or. en

Amendment 194

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission	*Amendment*
1. By [***12*** months after the date of entry into force of this Regulation], BEREC shall adopt a report, entitled 'Union Preparedness Plan for Digital Infrastructures' ('the Plan'), with a view to strengthening the resilience and preparedness of electronic communications networks and services and other digital infrastructures at Union level in the event of natural or man-made disruptions, crises or force majeure which may have a significant adverse impact on the population or the functioning of the internal market.	1. By [***15*** months after the date of entry into force of this Regulation], BEREC shall adopt a report, entitled 'Union Preparedness Plan for Digital Infrastructures' ('the Plan'), with a view to strengthening the resilience and preparedness of electronic communications networks and services and other digital infrastructures at Union level in the event of natural or man-made disruptions, crises or force majeure which may have a significant adverse impact on the population or the functioning of the internal market. ***The Plan shall avoid duplications of existing national and Union plans on cybersecurity, resilience and crisis management mechanisms, and rather complement them with its cross-border nature at Union-level.***

Or. en

Justification

Need to amend in order to set a realistic deadline. Taking into account time needed to prepare data collection by the NRAs, perform it, analyse the data and prepare the plan, the date proposed in the Commission's draft doesn't seem realistic, therefore needs to be adapted.

Amendment 195

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) ***a comprehensive*** assessment of the architecture, capacities, capabilities and use of electronic communications networks of providers referred to in Article 5(1), prepared on the basis of information collected pursuant to Article 7(2) ***of this Regulation and transmitted to the ODN in accordance with*** Article 7(3) of this Regulation;	(a) ***an*** assessment of the ***cross-border elements of*** architecture, capacities, capabilities and use of electronic communications networks of providers referred to in Article 5(1), prepared on the basis of information collected pursuant to Article 7(2) ***and*** Article 7(3) of this Regulation;

Or. en

Justification

Linked with amendment on avoiding duplications. The plan should focus on cross-border elements rather than duplicate the analysis performed at national level or through different pieces of legislation.

Amendment 196

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a set of operational recommendations on network resilience measures based on, among others, the assessment under point (a);	(b) a set of operational recommendations on network resilience measures***, including strategic cross-border connectivity investment needs,*** based on, among others, the assessment under point (a);

Or. en

Amendment 197

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The assessment referred to in the first sub-paragraph, point (a), shall***, among other,*** provide ***an*** overview of network topology at Union level, identify route diversification, potential bottlenecks or points of failure and areas where resilience-related measures, such as strategic investments to support redundancy, in particular for trans-European digital networks, are needed. The assessment shall be handled in accordance with applicable Union and national rules on the protection of classified information. The information contained therein shall be presented in aggregated form, to prevent exact geolocation of sensitive assets.	The assessment referred to in the first sub-paragraph, point (a), shall provide ***a general*** overview of network topology at Union level, identify route diversification ***possibilities***, potential bottlenecks or points of failure and ***types of*** areas where resilience-related measures, such as strategic investments to support redundancy, in particular for trans-European digital networks, are needed***, as well as assess potential dependencies of non-EU actors, their products or components***. The assessment shall be handled in accordance with applicable Union and national rules on the protection of classified information. The information contained therein shall be presented in aggregated form, to prevent exact geolocation of sensitive assets.

Or. en

Amendment 198

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission	*Amendment*
	Member States and the Commission shall duly take into account the recommendations contained in the Plan and ensure that adequate resources are mobilised, in particular under the Multiannual Financial Framework, in order to strengthen networks' security and resilience.

Or. en

Amendment 199

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***To support*** BEREC***, the ODN*** shall prepare the ***draft*** Plan in close cooperation with the Commission and***, where it concerns the preparedness and resilience of electronic communications networks and services,*** with the Cooperation Group established by Article 14 of Directive (EU) 2022/2555, and ***in consultation with ENISA and*** the relevant European crisis response and civil protection coordination ***authorities***, as appropriate. The Plan shall be reviewed and updated ***regularly*** based on, among others, information collected under paragraph 2 of this Article.	1. BEREC shall prepare the Plan in close cooperation with ***ENISA,*** the Commission and with the Cooperation Group established by Article 14 of Directive (EU) 2022/2555, and the relevant ***authorities for*** European crisis response and civil protection coordination ***and resilience***, as appropriate***. The Plan shall be in line with Union cybersecurity frameworks, in particularly with Directive (EU) 2022/2555 and Regulation (EU) 2019/881***. The Plan shall be reviewed and updated ***whenever necessary*** based on, among others, information collected under paragraph 2 of this Article.

Or. en

Amendment 200

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*Amendment*
2. To support the preparation of the Plan, national regulatory authorities shall***, on a biennial basis,*** collect information on the architecture, capacity, capabilities and use of public electronic communications networks, publicly available electronic communications services and, where relevant, networks used, wholly or mainly, for the purpose of providing electronic communications services or information society services available to the public, insofar as such information has not already been made available to them or to other national competent authorities pursuant to Union law or national law.	2. To support the preparation of the Plan, national regulatory authorities shall collect information on the ***cross-border elements of*** architecture, capacity, capabilities and use of public electronic communications networks, publicly available electronic communications services and, where relevant, networks used, wholly or mainly, for the purpose of providing electronic communications services or information society services available to the public, insofar as such information has not already been made available to them or to other national competent authorities pursuant to Union

law or national law. ***Where the national regulatory authority collects the data, in accordance with Article 182 of this Regulation, it shall ensure that those are collected in a manner that allows the simultanous fulfilment of the obligations covered in this Article. The information shall be transmitted to BEREC, no later than 6 months before the planned publication of the Plan.***

Or. en

Amendment 201

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Requests for information under paragraph 2 shall be reasoned, proportionate and limited to what is strictly necessary for the performance of tasks related to resilience and preparedness. ***The*** information ***shall be transmitted to the ODN on a biennial basis***.	3. Requests for information under paragraph 2 shall be reasoned, proportionate and limited to what is strictly necessary for the performance of tasks related to resilience and preparedness. ***National regulatory authorities shall not request*** information ***that has already been submitted by providers pursuant to Directive (EU) 2022/2555 or other applicable Union law***.

Or. en

Amendment 202

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*Amendment*
4. By [***6*** months after the date of entry into force of this Regulation], BEREC shall, in close cooperation with the Commission and ENISA, publish a common template to be used by national	4. By [***3*** months after the date of entry into force of this Regulation], BEREC shall, in close cooperation with the Commission and ENISA, publish a common template to be used by national

regulatory authorities for the collection of the information referred to in paragraph 2.

regulatory authorities for the collection of the information referred to in paragraph 2.

Or. en

Amendment 203

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Upon request***, the ODN*** shall share with the Commission details of the analysis used to prepare the Plan in accordance with Article 6. The Commission shall take such information into account in the development and implementation of funding instruments, including strategic investments in trans-European digital networks or when adopting policies or measures to enhance the resilience and preparedness of electronic communications networks, as appropriate.	2. Upon request ***or on its own initiative, BEREC*** shall share with the Commission details of the analysis used to prepare the Plan in accordance with Article 6. The Commission shall take such information into account in the development and implementation of funding instruments, including strategic investments in trans-European digital networks or when adopting policies or measures to enhance the resilience and preparedness of electronic communications networks, as appropriate.

Or. en

Amendment 204

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The general authorisation regime shall not apply to number-independent interpersonal communications services.	***deleted***

Or. en

Justification

In accordance with the principle: same service, same rules.

Amendment 205

Proposal for a regulation
Article 9 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) compliance, as applicable to the provider, with cybersecurity rules, including ICT supply chain security requirements ***imposed in accordance with the Cybersecurity Act which is to replace*** Regulation (EU) ***2019/881*** of the European Parliament and of the Council[57] ;	(d) compliance, as applicable to the provider, with cybersecurity rules, including ICT supply chain security requirements ***pursuant to the*** Regulation (EU) ***[XXX]*** of the European Parliament and of the Council[57]***on Cybersecurity Act 2***;
[57] Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15, ELI: http://data.europa.eu/eli/reg/2019/881/oj).	[57] Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15, ELI: http://data.europa.eu/eli/reg/2019/881/oj).

Or. en

Amendment 206

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Under the general authorisation regime, where a provider intends to provide electronic communications networks or services in one or several Member States, it shall submit a notification to the national regulatory ***authority of one of those*** Member States ***under the Single Passport procedure***.	1. Under the general authorisation regime, where a provider intends to provide***, or cease to provide,*** electronic communications networks or services in one or several Member States, it shall submit a notification to the ***ODN. The ODN shall transmit the notification to the*** national regulatory ***authorities of the*** Member States ***where the provider intends***

to operate, without undue delay. The national regulatory authorities of the Member State or Member States where the provider operates, or intends to operate, are the authorities responsible for the general authorisation.

Or. en

Amendment 207

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. For the handling of notifications, referred to in paragraph 1, and their updates, including the cessation of activities, the ODN shall set up, manage and maintain a multilingual Union Digital Notifications Platform ("the Platform") in accordance with the requirements of Regulation (EU) 2024/903 and Article 202 of this Regulation. The Platform shall incorporate a multilingual notification form, in accordance with BEREC guidelines pursuant to Article 125 and published by 6 months after entry into force of this Regulation, no later than 12 months after the entry into force of this Regulation. BEREC shall update the relevant guidelines where necessary. The notification form shall be accessible via the BEREC webpage.

Or. en

Amendment 208

Proposal for a regulation
Article 10 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. The Platform shall automatically transmit the incoming notifications to the relevant national regulatory authorities in the Member States where the provider operates or intends to provide electronic communications networks or services and shall send to the providers an automatic acknowledgment of receipt of the notifications. The Platform shall automatically reject incomplete notifications.

Or. en

Amendment 209

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Providers shall not be required to obtain a decision or any other administrative act by any regulatory authority of the Member State of notification, in which the provider intends to operate, before exercising the rights derived from the general authorisation.	***deleted***

Or. en

Amendment 210

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The notification referred to in paragraph 1 shall be made by means of a notification template in accordance with BEREC guidelines issued pursuant to	***deleted***

Article 125 not later than 6 months after the entry into force of this Regulation. BEREC shall update the relevant guidelines where necessary.

Or. en

Amendment 211

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The notified regulatory authority shall transmit the notification received to the ODN without undue delay. Where the notification concerns the start of provision of networks and services in several Member States, the ODN shall transmit it for information to the competent authorities of the other Member States where the provider intends to operate without undue delay.	***deleted***

Or. en

Amendment 212

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where the notification concerns the intent of a provider already operating in one or several Member States to extend its operations to additional Member States, the ODN shall transmit such notification for information to the competent authorities of all the Member States concerned, including those Member States where the provider already provides electronic communications networks or services.	***deleted***

Or. en

Amendment 213

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Under the Single Passport procedure, the ***notified authority*** shall confirm to the provider the authorisation to provide electronic communications networks or services within one week of the submission of the notification referred to in paragraph 1. The confirmation shall include information concerning all the general authorisation conditions applicable in the ***Member State or*** Member States, in which networks or services are ***intended to be provided, as well as related obligations and rights derived from the authorisation***. ***Where the notification concerns the intent of a provider already operating in one or several Member States to extend its operations to additional Member States, the confirmation shall include information concerning the general authorisation conditions applicable in the additional Member States.***	6. Under the Single Passport procedure, the ***ODN*** shall confirm to the provider the authorisation to provide electronic communications networks or services within one week of the submission of the notification referred to in paragraph 1. The confirmation shall include information concerning all the general authorisation conditions applicable in ***each of*** the Member States, in which networks or services are.

Or. en

Amendment 214

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission	*Amendment*
7. ***Once*** the notification ***is confirmed***, the provider may exercise the rights derived from the general authorisation and start the activity, where necessary subject to the provisions on the rights of use under	7. ***Upon*** the notification , the provider may exercise the rights derived from the general authorisation and start the activity, where necessary subject to the provisions on the rights of use under this Regulation.

this Regulation.	***Provider shall not be required to obtain a decision or any other administrative act by any regulatory authority of the Member States in which the provider intends to operate, before exercising the rights derived from the general authorisation.***

Or. en

Amendment 215

Proposal for a regulation
Article 10 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The ODN shall maintain a publicly available Union database of the notifications submitted ***to*** the national regulatory authorities***. The notified authorities*** shall ***update the information about all received*** notifications ***in the database at least every two*** months***.***	8. The ODN***, through the Platform,*** shall maintain a publicly available Union database of ***all*** the notifications submitted ***and shall update it. For this purpose,*** the national regulatory authorities shall ***inform the ODN of the*** notifications ***made under Directive (EU) 2018/1972 by [12*** months ***after entry into force of this Regulation]***

Or. en

Amendment 216

Proposal for a regulation
Article 10 – paragraph 9

Text proposed by the Commission	*Amendment*
9. For electronic communications networks and services notified before [***6*** months after the date of entry into force of this Regulation], no new notification shall be required. ***Providers may notify to the notified national regulatory authority to obtain a new general authorisation for existing networks or services under the Single Passport procedure.*** When deploying new electronic communications	9. For electronic communications networks and services notified before [***12*** months after the date of entry into force of this Regulation], no new notification shall be required. When deploying new electronic communications networks or services , providers shall be subject to the Single Passport procedure concerning these new networks or services.

networks or services, providers shall be subject to the Single Passport procedure concerning these new networks or services.

Or. en

Amendment 217

Proposal for a regulation
Article 11 – title

Text proposed by the Commission	*Amendment*
Guidelines and mutual Assistance	Guidelines***, cross-border cooperation*** and mutual Assistance ***for General Authorisation***

Or. en

Amendment 218

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*Amendment*
1. By [6 months after the date of entry into force of this Regulation], BEREC shall, in close cooperation with the Commission ***and other competent authorities, including contact points designated in accordance with paragraph 2 of this Article,*** publish guidelines to ensure that all the conditions listed in Article 9(4) are applied in a coherent, non-discriminatory and proportionate manner and are accessible to providers via the ***ODN*** webpage.	1. By [6 months after the date of entry into force of this Regulation], BEREC shall, in close cooperation with the Commission publish guidelines to ensure that all the conditions listed in Article 9(4) are applied in a coherent, non-discriminatory and proportionate manner and are accessible to providers via the ***BEREC*** webpage. ***BEREC guidelines shall be regularly reviewed and updated to identify areas where further alignment between national rules or their implementation would reduce the fragmentation of the internal market.***

Or. en

Amendment 219

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Each Member State shall ***designate a*** national ***single contact point*** tasked with communicating with the ODN and with maintaining up-to-date information about the national legislation and procedures applicable to the provision of electronic communications networks and services, in particular those related to general authorisation conditions, including the conditions regarding cybersecurity, access to data and data protection and the obligations laid down in this Regulation.	2. Each Member State shall ***ensure that*** national ***regulatory authorities are*** tasked with communicating with the ODN and with maintaining up-to-date information about the national legislation and procedures applicable to the provision of electronic communications networks and services, in particular those related to general authorisation conditions, including the conditions regarding cybersecurity, access to data and data protection and the obligations laid down in this Regulation.

Or. en

Amendment 220

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The procedures concerning notification, ***confirmation for start of activitiesand*** mutual assistance for enforcement and the arrangements for the exchange of information between national ***competent*** authorities and the ODN in accordance with Regulation (EU) 2024/903 may be further specified by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).	3. The procedures concerning notification, ***cross-border cooperation and*** mutual assistance for enforcement and the arrangements for the exchange of information between national ***regulatory*** authorities and the ODN in accordance with Regulation (EU) 2024/903 may be further specified by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).

Or. en

Amendment 221

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***Without prejudice to the enforcement powers of Member States concerning applicable law in their jurisdiction,*** under the Single Passport ***regime the*** national regulatory ***authority*** of the Member ***State of notification*** shall have the power to impose penalties for breach of the authorisation conditions. In case of a serious breach, possible measures***, where necessary after consultation with the regulatory authorities of the affected Member States,*** shall include the withdrawal of the right to operate in the Member State or Member States covered by the Single Passport.	4. Under the Single passport ***procedure,*** national regulatory ***authorities*** of the Member ***States where the networks and services are provided shall remain competent to enforce the general authorisation, in accordance with Article 196 of this Regulation, and*** shall have the power to impose penalties for breach of the authorisation conditions ***within their Member State***. In case of a serious breach, possible measures shall include the withdrawal of the right to operate in the Member State or Member States covered by the Single Passport.

Or. en

Amendment 222

Proposal for a regulation
Article 11 – paragraph 4 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	When a compliance matter related to the general authorisation conditions may affect or occur also in other Member States, the ODN shall coordinate possible common enforcement actions. For this purpose, all relevant national regulatory authorities shall cooperate and mutually assist each other. BEREC may adopt guidelines specifying the procedures for mutual cooperation among national regulatory authorities in cases of breach of the general authorisation conditions by undertakings active in more than one Member State.

Or. en

Amendment 223

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where the national regulatory authority of the Member State where the electronic communications networks or services are provided concludes that the breach of the authorisation conditions may have a serious negative impact in its territory on the grounds of national security or public interest, it shall have the right to impose penalties within its jurisdiction, and where appropriate, after consultation with relevant authorities of the Member State of notification.	***deleted***

Or. en

Amendment 224

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Undertakings ***of*** the turnover below a certain threshold or the activities of which do not reach a minimum market share or have a very limited territorial scope***, shall not be subject to administrative charges***.	2. ***Member States may choose not to apply administrative charges to*** undertakings the turnover ***of which is*** below a certain threshold or the activities of which do not reach a minimum market share or have a very limited territorial scope.

Or. en

Amendment 225

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States and the Commission shall manage radio spectrum in the internal market in a coordinated way, taking into account its value as a common European resource, under shared competence with a view to fostering economic growth, protecting Union values and security, in pursuit of the objectives laid down in Article 3, in particular single market for electronic communications as well as in pursuit of security, and digital sovereignty.	1. Member States and the Commission shall manage radio spectrum in the internal market in a coordinated way, taking into account its value as a common European resource, under shared competence with a view to fostering economic growth, ***promoting long-term investment,*** protecting Union values and security, in pursuit of the objectives laid down in Article 3, in particular single market for electronic communications as well as in pursuit of security, and digital sovereignty.

Or. en

Amendment 226

Proposal for a regulation
Article 14 – paragraph -1 (new)

Text proposed by the Commission	*Amendment*
	– Holders of rights of use for radio spectrum in neighbouring Member States using the same or adjacent frequency bands shall be entitled to conclude bilateral or multilateral agreements ("inter-operator agreements") to address cross-border coordination and mitigate harmful interference.

Or. en

Amendment 227

Proposal for a regulation
Article 14 – paragraph -1 a (new)

Text proposed by the Commission	*Amendment*
	– Such agreements shall:

Or. en

Amendment 228

Proposal for a regulation
Article 14 – paragraph 1 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) comply with applicable international agreements and national frequency allocation plans, when they exist;

Or. en

Amendment 229

Proposal for a regulation
Article 14 – paragraph 1 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) not adversely affect existing rights of use or other spectrum users not party to the agreement;

Or. en

Amendment 230

Proposal for a regulation
Article 14 – paragraph 1 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) be validated by the relevant national competent authorities within one

month of receipt of the proposed inter-operator agreement

Or. en

Amendment 231

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. National competent authorities shall cooperate with each other, and, where appropriate, through the RSPB, in the cross-border coordination of the use of radio spectrum. They shall make every effort to resolve any problem or dispute in relation to cross-border coordination or cross-border harmful interference which prevents the use of the radio spectrum in the territory of the Union.	2. National competent authorities shall cooperate with each other, and, where appropriate, through the RSPB, in the cross-border coordination of the use of radio spectrum. They shall make every effort to resolve any problem or dispute in relation to cross-border coordination or cross-border harmful interference which prevents the use of the radio spectrum in the territory of the Union. ***In doing that, national competent authorities shall take into account technical coordination arrangements between holders of rights of use for radio spectrum, that are without prejudice to the rights of other holders that are not a party to those arrangements.***

Or. en

Amendment 232

Proposal for a regulation
Article 14 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4a. The Commission may request in its decision referred to in paragraph 4, that the competent authority, from the Member State which granted the authorisation(s) to the undertaking(s) responsible for the interference, to take

appropriate and proportionate enforcement measures to prevent such interference. Such measures may include the imposition of fines and, if necessary the suspension or withdrawal of the relevant authorisation(s).

Or. en

Amendment 233

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where a cross-border issue involves a third country, including a candidate and acceding country, the Commission and national competent authorities within the ***RSPG*** shall, upon the request of any national competent authority from an affected Member State, cooperate to provide legal, political and technical support to resolve such issue, so that the Member States concerned can observe their obligations and exercise their rights to use radio spectrum under Union law.	5. Where a cross-border issue involves a third country, including a candidate and acceding country, the Commission and national competent authorities within the ***RSPB*** shall, upon the request of any national competent authority from an affected Member State, cooperate to provide legal, political and technical support to resolve such issue, so that the Member States concerned can observe their obligations and exercise their rights to use radio spectrum under Union law.

Or. en

Amendment 234

Proposal for a regulation
Article 14 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. At the request of a national competent authority from an affected Member State, the Commission may treat a cross-border interference issue involving a third country as a matter of Union interest and immediately initiate negotiations with that third country on

behalf of the Union.

Or. en

Amendment 235

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Where the cross-border issue involving a third country is not resolved within ***12*** months from the request referred to in paragraph 5, the Commission may, at the request of a national competent authority from the affected Member State and after consulting the RSPB, adopt a decision by means of an implementing act to define the assistance or contribution that Member States are to provide, with the support of the Commission, to resolve such issue, irrespective of whether they are affected by the harmful interference or not.	6. Where the cross-border issue involving a third country is not resolved within ***6*** months from the request referred to in paragraph 5, the Commission may, at the request of a national competent authority from the affected Member State and after consulting the RSPB, adopt a decision by means of an implementing act to define the assistance or contribution that Member States are to provide, with the support of the Commission, to resolve such issue, irrespective of whether they are affected by the harmful interference or not.

Or. en

Amendment 236

Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the cross-border issue with a third country cannot be solved with the assistance or contribution referred to in paragraph 6 of this Article, the Council ***may*** consider adopting restrictive measures under Article 29 TEU, in line with the objectives of the Common Foreign and Security Policy.	7. Where the cross-border issue with a third country cannot be solved with the assistance or contribution referred to in paragraph 6 of this Article, ***and without prejudice to any private action started by the affected party pursuant to paragraph 7a of this Article,*** the Council ***shall*** consider adopting restrictive measures under Article 29 TEU, in line with the objectives of the Common Foreign and Security Policy.

Or. en

Amendment 237

Proposal for a regulation
Article 14 – paragraph 7 a (new)

Text proposed by the Commission	*Amendment*
	7a. Any holder of a right of use for radio spectrum that has suffered damage as a result of cross-border harmful interference originating from another Member State or outside the Union or from a satellite station, shall have the right to seek in front of the courts of the Member State where it is located, compensation for that damage, from the undertaking responsible for the interference or, from the country having granted the authorisation, to the undertaking responsible for the interference, in breach of EU or international rules. The affected party may seek, if necessary, with the assistance of the national competent authority, the recommendation of the ITU Radio Regulations Board.

Or. en

Amendment 238

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

Text proposed by the Commission	*Amendment*
Without prejudice to the exception provided in ***the second subparagraph***, radio spectrum under general authorisation and individual rights of use shall be shared by providers of the same service (intra-service sharing) or different services (interservice sharing), subject to	Without prejudice to the exception provided in ***paragraph 2***, radio spectrum under general authorisation and individual rights of use shall be shared by providers of the same service (intra-service sharing) or different services (interservice sharing), subject to compliance with competition

compliance with competition law.	law.

Or. en

Justification

Change of order of provisions in order to bring more clarity to the text.

Amendment 239

Proposal for a regulation
Article 15 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	For this purpose, national competent authorities may require the holder of the radio spectrum rights, including those for defence and security, to share any portion of radio spectrum that is unused within a given geographic area or time period.

Or. en

Amendment 240

Proposal for a regulation
Article 15 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) technical or economical feasibility;	(b) technical or economical feasibility***, in particular where shared use of radio spectrum would interfere with, degrade, or otherwise limit the original holder's use of the radio spectrum***;

Or. en

Amendment 241

Proposal for a regulation
Article 15 – paragraph 1 – subparagraph 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) preserving incentives for long-term investment and network deployment.

Or. en

Amendment 242

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission	*Amendment*
2. National competent authorities shall ensure that the assigned radio spectrum is used efficiently. For this purpose, they can require the holder of the radio spectrum rights, including those for defence and security, to share any portion of radio spectrum that is unused within a given geographic area or time period, provided that shared use of radio spectrum does not interfere with, degrade, or otherwise limit the original holder's use of the radio spectrum and that the shared use is in compliance with competition law.	***deleted***

Or. en

Amendment 243

Proposal for a regulation
Article 16 – paragraph 2 – subparagraph 2 – introductory part

Text proposed by the Commission	*Amendment*
National competent authorities may only restrict that right in order to fulfil a requirement under the ITU Radio Regulations based on proportionate and non-discriminatory criteria. A national competent authority shall have the right to	National competent authorities may only restrict that right in order to fulfil a requirement under the ITU Radio Regulations based on proportionate and non-discriminatory criteria. A national competent authority shall have the right to

request ***that*** a particular service ***is*** provided in a specific band only where justified on grounds of:

request ***for*** a particular service ***to be*** provided in a specific band only where justified on grounds of:

Or. en

Amendment 244

Proposal for a regulation
Article 16 a (new)

Text proposed by the Commission	*Amendment*
	Article 16a
	Principle of densification of mobile broadband networks
	With the view to improve efficiency of spectrum use and to enable high quality, capacity and coverage of mobile broadband services to all, mobile broadband networks shall be densified in compliance with Council Recommendation 1999/519/EC and relevant international guidelines and regulations.

Or. en

Amendment 245

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission	*Amendment*
1. After having consulted the stakeholders and the RSPB, the Commission shall ***set up*** a forward-looking Union radio spectrum strategy and shall update it after each World Radiocommunication Conference, where needed.	1. After having consulted the stakeholders and the RSPB, the Commission shall ***supplement this Regulation by setting up by delegated act*** a forward-looking ***long-term*** Union radio spectrum strategy***, where relevant accompanied by roadmaps in accordance with paragraph 3,*** and shall update it***, where necessary, and*** after each World

Radiocommunication Conference, where needed.

Or. en

Amendment 246

Proposal for a regulation
Article 17 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	The delegated acts referred to in the first subparagraph shall be adopted in accordance with Article 198.

Or. en

Amendment 247

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
On the basis of the Union radio spectrum strategy***, the Commission*** may, where relevant, ***by means of implementing acts, adopt*** Union radio spectrum roadmaps.	The Union radio spectrum strategy may ***include***, where relevant, Union radio spectrum roadmaps.

Or. en

Amendment 248

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
Each Union radio spectrum roadmap shall identify radio spectrum needs related to a specific radio spectrum technology or service and set timelines for technical	Each Union radio spectrum roadmap shall identify radio spectrum needs related to a specific radio spectrum technology or service and set ***indicative*** timelines for

harmonisation of the radio spectrum use pursuant to Decision ***No 676/2002/EC*** and, where relevant, deadlines for authorisation of the use of that radio spectrum pursuant to this Regulation, which may derogate from the deadline set by Article 18(1)***. This is without prejudice to the possibility to derogate from the deadline of Article 18(1) pursuant to Article 18(2) and (3).***	technical harmonisation of the radio spectrum use pursuant to Decision ***No 676/2002/EC*** and, where relevant, deadlines for authorisation of the use of that radio spectrum pursuant to this Regulation, which may derogate from the deadline set by Article 18(1)

Or. en

Amendment 249

Proposal for a regulation
Article 17 – paragraph 3 – subparagraph 3

Text proposed by the Commission	*Amendment*
The implementing acts referred to in the first subparagraph shall be adopted in accordance with the procedure referred to in Article 199(4) with the assistance of the Committee referred to in Article 199(2). The RSPB shall monitor technical, economic and societal developments related to radio spectrum use, and shall, where necessary, recommend updating any Union radio spectrum roadmap.	The RSPB shall monitor technical, economic and societal developments related to radio spectrum use, and shall, where necessary, recommend updating any Union radio spectrum roadmap.

Or. en

Amendment 250

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Within 9 months from the adoption of the Union radio spectrum roadmaps, national competent authorities shall submit to the Commission and the RSPB their national radio spectrum roadmaps, indicating, where relevant, national	4. Within 9 months from the adoption of the Union radio spectrum roadmaps, national competent authorities shall submit to the Commission and the RSPB their national radio spectrum roadmaps, indicating, where relevant, national

measures necessary to implement a Union radio spectrum roadmap and their timelines. National competent authorities shall publish the national radio spectrum roadmaps and regularly update them.	measures necessary to implement a Union radio spectrum roadmap and their timelines. National ***radio spectrum roadmaps shall include, where relevant, network densification measures covering urban and suburban areas and transport corridors. National*** competent authorities shall publish the national radio spectrum roadmaps and regularly update them.

Or. en

Amendment 251

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Where the use of radio spectrum has been harmonised in accordance with Decision No 676/2002/EC for wireless broadband electronic communications networks and services, the national competent authorities shall authorise it within ***24*** months from the adoption of that measure, or as soon as possible after the lifting of any decision to allow alternative use on an exceptional basis pursuant to paragraph 5 of this Article.	1. Where the use of radio spectrum has been harmonised in accordance with Decision No 676/2002/EC for wireless broadband electronic communications networks and services, the national competent authorities shall authorise it within ***18*** months from the adoption of that measure, or as soon as possible after the lifting of any decision to allow alternative use on an exceptional basis pursuant to paragraph 5 of this Article.

Or. en

Justification

The authorisation process should be shorter and more efficient.

Amendment 252

Proposal for a regulation
Article 18 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	The grounds for extension shall be

interpreted strictly.

Or. en

Amendment 253

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission	*Amendment*
4. In the event of an extension under paragraph 2 or 3, the national competent authority concerned shall inform the other national competent authorities and the Commission in a timely manner, stating the reasons.	4. In the event of an extension under paragraph 2 or 3, the national competent authority concerned shall inform the other national competent authorities***, through the ODN,*** and the Commission in a timely manner, stating the reasons.

Or. en

Amendment 254

Proposal for a regulation
Article 18 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Notwithstanding with paragraph 1, national competent authorities may allow an alternative use of all or part of harmonised radio spectrum band, where:	National competent authorities may allow***, by exception to paragraph 1,*** an alternative use of all or part of harmonised radio spectrum band ***or extend the 18-month deadline referred to paragraph 1 of this Article 1 for another 18 months***, where:

Or. en

Amendment 255

Proposal for a regulation
Article 18 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) such alternative use does not prevent or hinder the availability or the use of such a band in other Member States.	(b) ***where relevant,*** such alternative use does not prevent or hinder the availability or the use of such a band in other Member States.

Or. en

Amendment 256

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Any interested party may submit a ***reasoned*** request to the Commission to consider the harmonisation of conditions for the availability ***and/or*** efficient use of a specific frequency band pursuant to Article 4 of Decision ***No 676/2002/EC***.	1. Any interested party may submit a ***substantiated and duly justified*** request to the Commission to consider the harmonisation of conditions***, or the modification of already existing harmonised conditions,*** for the availability ***or*** efficient use of a specific frequency band pursuant to Article 4 of Decision ***No 676/2002/EC***. ***The request shall demonstrate the feasibility and justification for action at Union level.***

Or. en

Amendment 257

Proposal for a regulation
Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
A reasoned response to such request shall be provided within ***a reasonable deadline***.	A reasoned response to such request shall be provided within ***12 months***.

Or. en

Amendment 258

Proposal for a regulation
Article 19 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Any interested party may submit a substantiated and duly justified request to a national competent authority to consider the revision of its National Frequency Allocation Plan in order to introduce the possibility to use a new type of technology to provide networks or services.

Or. en

Amendment 259

Proposal for a regulation
Article 19 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. Upon such request, the national competent authority shall organise a public consultation and give a reasoned response within six months whether it intends to amend the National Frequency Allocation Plan, taking into account the possible restrictions allowed under Article 16(1). The national competent authority shall publish the request and the response.

Or. en

Amendment 260

Proposal for a regulation
Part IV – title I – Chapter III – Section 1 – title

Text proposed by the Commission	*Amendment*
1 Principles	Principles ***on spectrum authorisation***

Or. en

Amendment 261

Proposal for a regulation
Article 20 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) to comply with cybersecurity rules, including ICT supply chain requirements pursuant to Cybersecurity Act ***which is to replace Regulation (EU) 2019/881***.	(d) to comply with cybersecurity rules, including ICT supply chain requirements pursuant to ***Regulation (EU) [XXX] of the European Parliament and of the Council on*** Cybersecurity Act ***2***.

Or. en

Amendment 262

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

Text proposed by the Commission	*Amendment*
(j) joint roll-out of infrastructures for the provision of electronic communications networks or services which rely on the use of radio spectrum**.**	(j) joint roll-out of infrastructures for the provision of electronic communications networks or services which rely on the use of radio spectrum***;***

Or. en

Amendment 263

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

Text proposed by the Commission	*Amendment*
	(ja) densification of network.

Or. en

Amendment 264

Proposal for a regulation
Article 22 – title

Text proposed by the Commission	*Amendment*
Common authorisation conditions of use for radio spectrum	Common authorisation conditions of use for radio spectrum ***for wireless broadband services***

Or. en

Amendment 265

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Prospective users of radio spectrum in two or several Member States***, for public and non-public electronic communications networks,*** may request national competent authorities from the Member States concerned to jointly establish, with the assistance of the RSPB common authorisation conditions to reduce the cost of deployment or environmental impact. National competent authorities shall inform the Commission of such requests.	1. Prospective users of radio spectrum***, for public and non-public wireless broadband services,*** in two or several Member States may request national competent authorities from the Member States concerned to jointly establish, with the assistance of the RSPB common authorisation conditions ***for wireless broadband services for the Member States involved*** to reduce the cost of deployment or environmental impact. National competent authorities shall inform the Commission of such requests.

Or. en

Amendment 266

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to Article 39 of this Regulation, where the Commission or	2. Without prejudice to Article 39 of this Regulation, where the Commission or

at least two national competent authorities concerned submit a reasoned request, irrespective of whether the request is submitted by providers of public electronic communications networks or not, the RSPB shall, after consulting stakeholders, develop a proposal for common authorisation conditions, including as regards the best way to share radio spectrum between public and private networks, in compliance with competition law. ***The Commission may, by implementing act, taking into account the RSPB proposal and, where applicable, the requirements set out in Article 39(4), adopt common authorisation conditions binding in all Member States and setting a common format to be used.***	at least two national competent authorities concerned submit a reasoned request, irrespective of whether the request is submitted by providers of public electronic communications networks or not, the RSPB shall, after consulting stakeholders, develop a proposal for common authorisation conditions ***for wireless broadband services for the Member States involved***, including as regards the best way to share radio spectrum between public and private networks, in compliance with competition law.

Or. en

Amendment 267

Proposal for a regulation
Article 22 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Where proposal for a common authorisation conditions for wireless broadband services in two or more Member States have been established pursuant to paragraph 2, the Commission may lay down by means of implementing acts, the details of a one-stop-shop procedure that allows an undertaking to file at the ODN requests for rights of use for radio spectrum in those Member States, and specify the procedural arrangements, including administrative deadlines.

Or. en

Justification

The authorisation conditions in two Member States might differ significantly from the

common European authorisation conditions. Therefore these provisions should be applicable only in relevant Member States

Amendment 268

Proposal for a regulation
Article 22 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2b. The national competent authorities shall grant the rights and authorisations within the deadlines set by Article 30(8).

Or. en

Amendment 269

Proposal for a regulation
Article 22 – paragraph 2 c (new)

Text proposed by the Commission	*Amendment*
	2c. The implementing acts referred to in paragraph 2a of this Article shall be adopted in accordance with the procedure referred to in Article 199(4).

Or. en

Amendment 270

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission	*Amendment*
3. At the request of two or more national competent authorities, or of the Commission, the RSPB shall address the opportunity and modalities of authorising a part of radio spectrum at Union level and to suggest the appropriate authorisation procedure and the award	***deleted***

conditions to ensure the existence throughout the Union of high- quality wireless broadband electronic communications services ('wireless broadband services'), including Direct-to-Device satellite communications services. After consulting the RSPB, the Commission may supplement this Regulation, by means of a delegated act in accordance with Article 198, defining the processes and award conditions for the authorisation of radio spectrum use in a particular harmonised radio spectrum band, or parts thereof, at Union level.

Or. en

Amendment 271

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission	*Amendment*
4. When carrying out the authorisation process, the Commission may seek assistance of the RSPB, the ODN, the Communications Committee or external experts.	***deleted***

Or. en

Amendment 272

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where the common authorisation conditions have been established pursuant to paragraph 2 of this Article, the Commission may lay down by means of implementing acts, the details of a one-stop-shop procedure that allows an	***deleted***

undertaking to file at the ODN requests for rights of use for radio spectrum in more than one Member States, and specify the procedural arrangements, including administrative deadlines.

Or. en

Amendment 273

Proposal for a regulation
Article 22 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The national competent authorities shall grant the rights and authorisations within the deadlines set by Article 30(8).	***deleted***

Or. en

Amendment 274

Proposal for a regulation
Article 22 – paragraph 7

Text proposed by the Commission	*Amendment*
7. The implementing acts referred to in paragraphs 2 and 4 of this Article shall be adopted in accordance with the procedure referred to in Article 199(4).	***deleted***

Or. en

Amendment 275

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission	*Amendment*
	Article 22a

Union selection and authorisation of pan-EU providers

1. A portion of each newly harmonised radio spectrum band for wireless broadband services may be authorised in accordance with the provision of this Article.

2. After consulting the RSPB on the modalities of authorising radio spectrum referred to in the paragraph 1 at the Union level, the Commission may adopt a delegated act supplementing this Regulation by defining the size of portion, procedure and award conditions for the authorisation of such radio spectrum use at Union level.

3. The Commission shall, in cooperation with RSPB, carry out a competitive or comparative selection procedure to select one or more undertakings, satisfying strict resilience and sovereignty criteria, for use of that radio spectrum for the provision of wireless broadband services in the entire Union.

4. When carrying out the selection process, the Commission shall seek assistance of the RSPB, the ODN, the Communications Committee and, where relevant external experts.

5. By exception to Article 9, the selected undertakings shall be authorised to provide wireless broadband services in the entire Union without a need to separately notify to any Member State. The general authorisation from the first subparagraph shall be subject only to conditions, within the limits specified by Article 9(4), set by Commission in the decision on a selection of undertakings. It shall confer to the selected undertakings the same rights and obligations in each Member States. Such obligations shall include, in particular, the provision of wholesale access.

6. National competent authorities of all Member States shall grant the selected undertakings the rights to use the relevant

spectrum on the territory of their Member State within the timeframe and subject to common conditions set by Commission in the delegated act referred to in paragraph 2.

7. National competent authorities shall monitor the compliance of undertakings authorised in accordance with this Article with conditions under general authorisation and rights of use of spectrum and shall inform the Commission and the RSPB any case of non-compliance.

8. In the case of non-compliance in more than one Member State, the Commission assisted by the Communication Committee may decide to adopt common corrective measures. The corrective measures shall be appropriate and proportionate. Article 43(3) shall apply mutatis mutandis.

9. The common corrective measures shall be enforced by the national competent authorities.

Or. en

Amendment 276

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission	*Amendment*
National competent authorities shall not impose any further conditions, additional criteria or procedures where holders of rights of use for harmonised radio spectrum have been selected under a common selection procedure ***at*** Union ***level*** or where Union harmonised authorisation conditions apply.	National competent authorities shall not impose any further conditions, additional criteria or procedures where holders of rights of use for harmonised radio spectrum have been selected under a common selection procedure***,*** Union ***selection and authorisation of pan-EU providers procedure*** or where Union harmonised authorisation conditions apply.

Or. en

Amendment 277

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Rights of use for radio spectrum shall be in principle granted for ***an*** unlimited duration. Individual rights of use granted for an unlimited period of time for radio spectrum used for wireless broadband networks and services shall be subject to regular reviews by the national competent authorities, including coverage and quality of service obligations. Such reviews shall not be carried out earlier than ***every*** 20 years after such individual right of use for radio spectrum was granted. Periodic reviews shall be notified under the procedure of Article 31.	1. Rights of use for radio spectrum shall be in principle granted for unlimited duration. Individual rights of use granted for an unlimited period of time for radio spectrum used for wireless broadband networks and services shall be subject to regular reviews by the national competent authorities, including coverage and quality of service obligations ***and the state of competition***. Such reviews***, accompanied with the market analysis referred to in Article 73,*** shall not be carried out earlier than 20 years after such individual right of use for radio spectrum was granted***, and, thereafter, not earlier than every 15 years***. Periodic reviews shall be notified under the procedure of Article 31.

Or. en

Amendment 278

Proposal for a regulation
Article 24 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where competent authorities subject individual rights of use for harmonised radio spectrum ***measures in order to enable its use*** for wireless broadband services to a limited duration, holders of those rights of use shall have the right to use radio spectrum for a period of at least ***40*** years.	Where competent authorities subject individual rights of use for harmonised radio spectrum for wireless broadband services to a limited duration, holders of those rights of use shall have the right to use radio spectrum for a period of at least ***50*** years.

Or. en

Amendment 279

Proposal for a regulation
Article 24 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where granted for a limited period, individual rights of use for radio spectrum shall be subject to renewal in accordance with Article 25.	***Such*** individual rights of use for radio spectrum shall be subject to renewal in accordance with Article 25.

Or. en

Amendment 280

Proposal for a regulation
Article 24 – paragraph 5 – introductory part

Text proposed by the Commission	*Amendment*
5. Where duly justified, the national competent authorities may impose a duration shorter than ***40*** years, for harmonised or non-harmonised spectrum, in any of the following cases:	5. ***By exception to paragraph 4, and*** where duly justified, the national competent authorities may impose a duration shorter than ***50*** years, for harmonised or non-harmonised spectrum, in any of the following cases:

Or. en

Amendment 281

Proposal for a regulation
Article 24 – paragraph 6

Text proposed by the Commission	*Amendment*
6. National competent authorities may adjust the duration of rights of use laid down in this Article to ensure the simultaneous expiry of the duration of rights in one or several bands, or with the view to assessing the need for a renewal in accordance with Article 25, in the latter	6. National competent authorities may adjust the duration of rights of use laid down in this Article to ensure the simultaneous expiry of the duration of rights in one or several bands, or with the view to assessing the need for a renewal ***of rights granted before entry into force of***

case only for a period of ***two*** years***, renewable once***.	***this Regulation*** in accordance with Article 25, in the latter case only for a period of ***up to six*** years.

Or. en

Amendment 282

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Any right of use of harmonised radio spectrum subject to limited duration shall be ***automatically renewed for a similar duration and with similar conditions*** upon request by its holder.	1. Any right of use of harmonised radio spectrum subject to limited duration shall be***,*** upon request by its holder ***at least 5 years in advance of the expiry of the right, automatically renewed for an indefinite period of time***.

Or. en

Amendment 283

Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
By derogation to paragraph 1, after giving all interested parties the opportunity to express their views through a public consultation in accordance with Article 184, the competent authority may decide, at least ***five*** years in advance of the expiry of the right, not to automatically renew the right of use and either let the right expire and organise an open, transparent and non-discriminatory authorisation procedure in order to grant new rights, or to renew the existing rights subject to a different duration or to different conditions for one or several of the following reasons:	By derogation to paragraph 1***, and following the procedure of Article 31***, after giving all interested parties the opportunity to express their views through a public consultation in accordance with Article 184, the competent authority may decide, at least ***three*** years in advance of the expiry of the right, not to automatically renew the right of use and either let the right expire and organise an open, transparent and non-discriminatory authorisation procedure in order to grant new rights, or to renew the existing rights subject to a different duration or to different conditions for one or several of the following reasons:

Or. en

Amendment 284

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***Unless the*** decision ***referred*** to ***in*** paragraph 2 ***is*** taken at ***the latest 5*** years before the expiry of the rights concerned, the existing rights shall be automatically renewed pursuant to paragraph 1.	3. ***Any*** decision to ***not automatically renew the rights of use of harmonised radio spectrum in accordance with*** paragraph 2 ***shall be*** taken at ***least 3*** years before the expiry of the rights concerned***. In the absence of such decision***, the existing rights shall be automatically renewed pursuant to paragraph 1.

Or. en

Amendment 285

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission	*Amendment*
5. This Article shall also apply to rights of use for harmonised radio spectrum that were granted before [the date of entry into force of this Regulation] ***and that expire within a period of time of at least seven years after that date***.	5. This Article shall also apply to rights of use for harmonised radio spectrum that were granted before [the date of entry into force of this Regulation]***, without prejudice to Article 24(6)***.

Or. en

Amendment 286

Proposal for a regulation
Article 26 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
The transfer or lease of those rights of use	The transfer or lease of those rights of use

shall not be refused unless there is a clear risk of distortion of competition from the accumulation of rights of use in particular in accordance with Article 32 or there are serious doubts as to whether the new user is able to meet the original conditions for the right of use.	shall not be refused unless there is a clear risk of distortion of competition from the accumulation of rights of use in particular in accordance with Article 32 or there are serious doubts as to whether the new user is able to meet the original conditions for the right of use ***or may pose risks to national security***.

Or. en

Amendment 287

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission	*Amendment*
1. In accordance with Article 15, and without prejudice to coverage or other obligations imposed on holders of individual rights of use for radio frequency, and to obligations undertaken in the context of a competitive or comparative procedure, holders of rights of use for radio spectrum shall ***take steps to organise,*** allow ***and offer*** the sharing of their rights of use, where such sharing is technically feasible and subject to compliance with competition law.	1. In accordance with Article 15, and without prejudice to coverage or other obligations imposed on holders of individual rights of use for radio frequency, and to obligations undertaken in the context of a competitive or comparative procedure, holders of rights of use for radio spectrum shall allow the sharing of their rights of use, where such sharing is technically feasible and subject to compliance with competition law.

Or. en

Amendment 288

Proposal for a regulation
Article 27 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
Any third party interested in using a part of the radio spectrum in a specific territory or period of time may express its interest to the national competent authority.	Any third party interested in using a part of the radio spectrum in a specific territory or period of time may express its interest to the national competent authority ***as well as to the spectrum rights holder***. ***The holder***

	of the right of use shall not be required to disclose, to the interested third party, commercially sensitive information beyond what is strictly necessary.

Or. en

Amendment 289

Proposal for a regulation
Article 27 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
Holders of rights of use for radio spectrum shall have the right to refuse shared use of radio spectrum where they demonstrate that they are using the radio spectrum or that they have developed plans to use it in the foreseeable future, in a manner which makes sharing not technically feasible. ***Holders of rights of use for radio spectrum shall commit to those plans. If a holder of the right of use does not act in accordance with their plan, Article 196 shall apply.***	Holders of rights of use for radio spectrum shall have the right to refuse shared use of radio spectrum where they demonstrate that they are using the radio spectrum or that they have developed plans to use it in the foreseeable future, in a manner which makes sharing not technically feasible.

Or. en

Amendment 290

Proposal for a regulation
Article 27 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
Where assessing the feasibility of shared use of radio spectrum, national competent authorities shall take into account the deployment plans of holders of rights of use for radio spectrum ***for the entire duration of their right***. National competent authorities shall apply the procedure of Article 188 mutatis mutandis. They may allow the shared use of radio spectrum for	Where assessing the feasibility of shared use of radio spectrum, national competent authorities shall take into account the deployment plans of holders of rights of use for radio spectrum. National competent authorities shall apply the procedure of Article 188 mutatis mutandis. They may allow the shared use of radio spectrum for a limited duration of time or provide for

a limited duration of time or provide for periodic review. National competent authorities shall have the power to block the shared use of radio spectrum on the grounds provided for in Article 26(3).	periodic review. National competent authorities shall have the power to block the shared use of radio spectrum on the grounds provided for in Article 26(3).

Or. en

Amendment 291

Proposal for a regulation
Article 27 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) the type ***of*** usage ***allowed to*** the new user in comparison with the original usage authorised;	(b) the type ***and scope of spectrum*** usage ***authorised for*** the new user in comparison with the original usage authorised;

Or. en

Amendment 292

Proposal for a regulation
Article 27 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) whether shared use of radio spectrum can be imposed in ***case*** of breach of an obligation attached to the right of use, such as of a coverage obligation.	(c) whether shared use of radio spectrum can be imposed in ***the event*** of breach of an obligation attached to the right of use, such as of a coverage obligation.

Or. en

Amendment 293

Proposal for a regulation
Article 28

Text proposed by the Commission	*Amendment*
Article 28	***deleted***
Database	
1.	
The ODN shall establish a dynamic database for geolocation and monitoring of radio spectrum usage opportunities to promote and allow the shared use of specific radio spectrum bands so as to improve the efficiency of radio spectrum use, in order to support Union policies.	
The database shall include up-to-date information collected and provided by Member States and holders of rights of use of radio spectrum on the geolocalisation of existing uses of radio spectrum to allow prospective radio spectrum users to access such radio spectrum.	
The database shall be directly accessible to any prospective user of radio spectrum.	
2.	
For the purposes of ensuring the uniform implementation of paragraph 1, the Commission, after consulting the RSPB, may, by means of implementing acts, define the radio spectrum bands covered by the database and develop practical arrangements and uniform formats for the collection and provision of data by the national competent authorities to the Commission.	
Those implementing acts shall be adopted in accordance with the procedure referred to in 199(4).	
3. The establishment and usage of the database shall ensure the protection of privacy as well as business confidentiality rules, in particular under Article 8 of Decision No 676/2002/EC, and the right of Member States to withhold information which is relevant for national security. It shall to the best extent minimise the	

administrative burden and existing obligations on the Member States under other Union law, in particular obligations to provide specific information.

4. The ODN shall administer the database.

Or. en

Justification

The costs (both one-off and annual) and the reporting burden do not justify the potential advantages of having this database in place.

Amendment 294

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The ODN shall establish a dynamic database for geolocation and monitoring of radio spectrum usage opportunities to promote and allow the shared use of specific radio spectrum bands so as to improve the efficiency of radio spectrum use, in order to support Union policies.	***deleted***
The database shall include up-to-date information collected and provided by Member States and holders of rights of use of radio spectrum on the geolocalisation of existing uses of radio spectrum to allow prospective radio spectrum users to access such radio spectrum.	
The database shall be directly accessible to any prospective user of radio spectrum.	

Or. en

Amendment 295

Proposal for a regulation
Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
The ODN shall establish a dynamic database for geolocation and monitoring of radio spectrum usage opportunities to promote and allow the shared use of specific radio spectrum bands so as to improve the efficiency of radio spectrum use, in order to support Union policies.	***deleted***

Or. en

Amendment 296

Proposal for a regulation
Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The database shall include up-to-date information collected and provided by Member States and holders of rights of use of radio spectrum on the geolocalisation of existing uses of radio spectrum to allow prospective radio spectrum users to access such radio spectrum.	***deleted***

Or. en

Amendment 297

Proposal for a regulation
Article 28 – paragraph 1 – subparagraph 3

Text proposed by the Commission	*Amendment*
The database shall be directly accessible to any prospective user of radio spectrum.	***deleted***

Or. en

Amendment 298

Proposal for a regulation
Article 28 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
For the purposes of ensuring the uniform implementation of paragraph 1, the Commission, after consulting the RSPB, may, by means of implementing acts, define the radio spectrum bands covered by the database and develop practical arrangements and uniform formats for the collection and provision of data by the national competent authorities to the Commission.	***deleted***

Or. en

Amendment 299

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

Text proposed by the Commission	*Amendment*
Those implementing acts shall be adopted in accordance with the procedure referred to in 199(4).	***deleted***

Or. en

Amendment 300

Proposal for a regulation
Article 28 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The establishment and usage of the database shall ensure the protection of	***deleted***

privacy as well as business confidentiality rules, in particular under Article 8 of Decision No 676/2002/EC, and the right of Member States to withhold information which is relevant for national security. It shall to the best extent minimise the administrative burden and existing obligations on the Member States under other Union law, in particular obligations to provide specific information.

Or. en

Amendment 301

Proposal for a regulation
Article 28 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The ODN shall administer the database.	***deleted***

Or. en

Amendment 302

Proposal for a regulation
Article 29 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Holders of the rights of use for radio spectrum may only be subject to contributions, which are objectively justified, transparent, non-discriminatory and proportionate in relation to their intended purpose, ensure optimal use of those resources and take into account the general objectives of this Regulation. Such contributions may take the form of commitments in kind, of the payment of fees or of a combination of the two.

Or. en

Amendment 303

Proposal for a regulation
Article 29 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. When designing a selection procedure in accordance with Article 30(6) for harmonised radio spectrum for wireless broadband networks and services, national competent authorities shall prioritise the fulfilment of predetermined commitments, related to covering an area or densifying a network by the pre-determined deadline to any payment of one-off fee in order to facilitate the deployment of communications networks.

Or. en

Amendment 304

Proposal for a regulation
Article 29 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
By [12 months after the date of entry into force of this Regulation], the Commission, taking into account the opinions of BEREC and of the RSPB, shall adopt a ***recommendation on*** a common methodology for defining annual fees as referred to in the first subparagraph, that may take into account different characteristics of the radio spectrum, such as the capacity of a radio spectrum band and its scarcity, and the service intended to be provided**.**	By [12 months after the date of entry into force of this Regulation], the Commission, taking into account the opinions of BEREC and of the RSPB, shall adopt a ***delegated act supplementing this Regulation by defining*** a common ***European*** methodology for defining annual fees as referred to in the first subparagraph, that may take into account different characteristics of the radio spectrum, such as the capacity of a radio spectrum band and its scarcity, and the service intended to be provided

Or. en

Amendment 305

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
One-off fees in a comparative selection procedure, if any, or reserve prices in a competitive selection procedure shall be set at a level which ensures efficient assignment and use of radio spectrum, as well as investments and deployment of networks and services.	One-off fees in a comparative selection procedure, if any, or reserve prices in a competitive selection procedure shall be set at a level which ensures efficient assignment and use of radio spectrum, as well as ***long-term*** investments and deployment of networks and services ***taking into account the investment cycle and the period required for cost recovery***. ***One-off fees shall only apply where the authority in charge can demonstrate that:***

Or. en

Amendment 306

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 1 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) commitments will not ensure a more efficient use of the spectrum than the imposition of fees,

Or. en

Amendment 307

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 1 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) the imposition of fees will not affect the development of the networks or services by spectrum users nor the capacity of spectrum users to invest in

such development, and

Or. en

Amendment 308

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 1 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) the imposition of fees offers significant macro-economic long-term advantages for the society.

Or. en

Amendment 309

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 3

Text proposed by the Commission	*Amendment*
Before imposing a reserve price, or defining its level, the national competent authority shall take into account costs entailed by conditions attached to those rights.	Before imposing a reserve price, or defining its level, the national competent authority shall take into account costs entailed by conditions attached to those rights ***and the impact of the reserve price level on investment incentives and network deployment***.

Or. en

Amendment 310

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 4

Text proposed by the Commission	*Amendment*
By [12 months after the application of this Regulation], the Commission shall, after	By [12 months after the application of this Regulation], the Commission shall, after

consulting BEREC and the RSPB, adopt a ***recommendation on*** a common methodology for defining a reserve price, taking into account inter alia the opportunity cost of radio spectrum and the characteristics of the band.

consulting BEREC and the RSPB, adopt a ***delegated act supplementing this Regulation with*** a common ***European*** methodology for defining a reserve price, taking into account inter alia the opportunity cost of radio spectrum and the characteristics of the band.

Or. en

Amendment 311

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 4 a (new)

Text proposed by the Commission	*Amendment*
	The total level of fees (including one-off payments, reserve prices and annual fees) charged in respect of harmonised radio spectrum for wireless broadband services shall not create a disproportionate financial burden capable of preventing, significantly delaying, or otherwise impeding the deployment of networks or the provision of services.

Or. en

Amendment 312

Proposal for a regulation
Article 29 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
National competent authorities shall ***take account*** of the ***recommendations referred to in paragraphs 2 and 3 of this*** Article***. If either of the recommendations is not followed and deviations persist without objective justifications,*** the Commission may ***adopt a decision*** by means of ***an*** implementing ***act to ensure harmonised*** application.	***The Commission*** shall ***control the application*** of the ***common European methodology for defining reserve prices in the single market procedure set in*** Article ***31.*** The Commission may ***set maximum annual fees or reserve prices,*** by means of implementing ***acts, if the*** application ***of the methodology by national authorities would prove insufficient in setting reserve***

	prices at a level that does not disincentivise investments.

Or. en

Amendment 313

Proposal for a regulation
Article 29 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
That implementing act shall be adopted in accordance with the procedure referred to in Article 199(4).	***deleted***

Or. en

Amendment 314

Proposal for a regulation
Article 29 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Any payment of ***any*** fees shall be applied only where radio spectrum is actually available for use and the possibility shall be given for those fees to be paid in yearly instalments.	5. Any payment of fees shall be applied only where radio spectrum is actually available for use and the possibility shall be given for those fees to be paid in yearly instalments.

Or. en

Amendment 315

Proposal for a regulation
Article 29 – paragraph 6

Text proposed by the Commission	*Amendment*
6. ***Annual or one-off fees shall, upon request, be reimbursed against the fulfilment of pre-determined commitments***	6. ***Implementing act referred to paragraph 4*** shall be ***adopted in accordance with the*** procedure ***referred to***

by the holder of a right of use for radio spectrum. The possibility and the rate for such reimbursement shall be ***transparent, fair and non-discriminatory and announced in advance of any selection*** procedure ***or assignment, or renewal or review process***.	***in Article 199(3)***.

Or. en

Amendment 316

Proposal for a regulation
Article 29 – paragraph 6 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	Delegated acts referred to in paragraph (2) and (3) shall be adopted in accordance with Article 198.

Or. en

Amendment 317

Proposal for a regulation
Article 30 – paragraph 10

Text proposed by the Commission	*Amendment*
10. The RSPB shall collect good practices on authorisation processes and related award conditions, such as on pro-investment auction design, and coverage obligations. The Commission ***may*** recommend most appropriate pro-investment authorisation processes ***aspects*** and selection conditions for authorising the use of harmonised radio spectrum in one or several bands with the view to achieving the objectives of the Digital Decade Policy Programme, including any amendment thereof.	10. The RSPB shall collect good practices on authorisation processes and related award conditions, such as on pro-investment auction design, and coverage obligations. The Commission ***shall identify and*** recommend most appropriate pro-investment authorisation processes and selection conditions for authorising the use of harmonised radio spectrum in one or several bands with the view to achieving the objectives of the Digital Decade Policy Programme, including any amendment thereof.

Or. en

Amendment 318

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) coverage and quality of service requirements obligations;

Or. en

Amendment 319

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 2 – point b b (new)

Text proposed by the Commission	*Amendment*
	(bb) a reserve price, in particular how the common methodology referred to in Article 29 has been applied in a way which ensures that financial requirements, taking into account costs entailed by conditions attached to those rights, do not risk to disincentivise investments.

Or. en

Amendment 320

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The draft final measure referred to in paragraph 1 of this Article shall not be adopted for a further 60 working days where the Commission has notified to the relevant national competent authority that it has reservations on ***the justification for the extent of the duration or the***	3. The draft final measure referred to in paragraph 1 of this Article shall not be adopted for a further 60 working days where the Commission has notified to the relevant national competent authority that it has ***serious*** reservations on***:***

proportionality of the draft market shaping measures or their compatibility with EU law and in particular the objectives referred to in Article 3. The Commission shall inform the RSPB, BEREC and national competent authorities of its reservations in such a case and simultaneously make them public.

Or. en

Amendment 321

Proposal for a regulation
Article 31 – paragraph 3 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) the proportionality of the proposed duration, taking into account the conditions attached to the rights and the investments needed to fulfil those conditions or

Or. en

Amendment 322

Proposal for a regulation
Article 31 – paragraph 3 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) the proportionality of the draft market shaping measures with regard to the competition problem they intend to address, or their compatibility with EU law and in particular the objectives referred to in Article 3 of this Regulation, or

Or. en

Amendment 323

Proposal for a regulation
Article 31 – paragraph 3 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) the adequacy of the coverage or quality of service obligations in relation to the part of radio spectrum subject to a selection procedure, or

Or. en

Amendment 324

Proposal for a regulation
Article 31 – paragraph 3 – point d (new)

Text proposed by the Commission	*Amendment*
	(d) the level of deviation of the proposed reserve prices from the common European methodology established in Article 29(3).

Or. en

Amendment 325

Proposal for a regulation
Article 31 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	The Commission shall inform the RSPB, BEREC and national competent authorities of its reservations in such a case and simultaneously make them public.

Or. en

Amendment 326

Proposal for a regulation
Article 31 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where in its opinion the ***RSPG*** or BEREC shares partially or fully the reservation of the Commission, they shall cooperate closely with the national competent authority concerned and the Commission to identify the most appropriate and effective measure.	5. Where in its opinion the ***RSPB*** or BEREC shares partially or fully the reservation of the Commission, they shall cooperate closely with the national competent authority concerned and the Commission to identify the most appropriate and effective measure.

Or. en

Amendment 327

Proposal for a regulation
Article 31 – paragraph 6 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) a decision requiring the notifying competent authority to amend or withdraw the draft measure;	(a) ***in case of determination of a serious violation of the provisions of Article 31(1),*** a decision requiring the notifying competent authority to amend or withdraw the draft measure;

Or. en

Justification

Vetoing the draft measure would significally slow down the investment process, therefore it is important that reasons for withdrawing the measure are very strong.

Amendment 328

Proposal for a regulation
Article 32 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
National regulatory authorities shall only propose such ***mesures*** on the basis of a	National regulatory authorities shall only propose such ***measures*** on the basis of a

market analysis carried out in accordance with Article ***73(2)***, and in particular a forward-looking assessment of the market competitive conditions and an assessment of the likely effects of such measures on maintaining or achieving effective competition as well as on existing and future investments.	market analysis carried out in accordance with Article ***73***, and in particular a forward-looking assessment of the market competitive conditions and an assessment of the likely effects of such measures on maintaining or achieving effective competition as well as on existing and future investments. ***Where proposing a measure referred to in letter (a), limits applicable to wholesale-only undertakings may be higher than for other undertakings.***

Or. en

Amendment 329

Proposal for a regulation
Article 34 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. Holders of rights of use for harmonised radio spectrum for mobile broadband services shall enhance capacity, coverage and quality of service of their mobile broadband networks and services, in line with objectives referred to in Aarticle 3 of this Regulation. To this end, in justified cases, competent authorities shall set, wherever rights of use are granted, or renewed, proportionate objectives to increase the number of small-area wireless access points, particularly in areas of high traffic demand, combined with the use mid-band and high-band spectrum. At least half the densification cost shall be offset by a reduction of the one-off fees for the granting or renewal of the rights of use.

Or. en

Amendment 330

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission	*Amendment*
The Commission ***only*** shall manage the use of radio spectrum for the provision of satellite networks or satellite communications services in accordance with the Union's international obligations and commitments, including the decisions adopted by the Council pursuant to Article 218 TFEU, in a manner that fully reflects its international dimension and strategic importance for the Union and the Member States, and in support of the objective to develop a single market for satellite communications services.	The Commission***, in cooperation with Member States,*** shall manage the use of radio spectrum for the provision of satellite networks or satellite communications services in accordance with the Union's international obligations and commitments, including the decisions adopted by the Council pursuant to Article 218 TFEU, in a manner that fully reflects its international dimension and strategic importance for the Union and the Member States, and in support of the objective to develop a single market for satellite communications services.

Or. en

Amendment 331

Proposal for a regulation
Article 37 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall jointly preserve and defend the strategic importance of ITU filings that support European connectivity, security and industrial policy. Member States and the Commission shall coordinate to take appropriate action against any speculative or anti-competitive spectrum filings or any abuse of an ITU filing that may prevent access to orbital and spectrum resources by any operator established in the Union. Such an action shall also allow the mandatory transfer of filings.

Or. en

Amendment 332

Proposal for a regulation
Article 37 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3b. For such purposes, Member States shall cooperate with and assist the Commission:
	a) in the creation of an inventory of ITU filings of satellites made by Member States;
	b) in the monitoring and reporting on ITU filings that may affect European spectrum interests and on the risks for European access to orbital and spectrum resources that may arise from any increase in concentration in the satellite communications market or from the abusive use of spectrum filings.

Or. en

Amendment 333

Proposal for a regulation
Article 37 – paragraph 3 c (new)

Text proposed by the Commission	*Amendment*
	3c. Any direct or indirect transfer of an ITU filing of a Member State, irrespective of whether this is the outcome of a corporate restructure, direct transfer of a filing, or change of ownership of an entity with access to an ITU filing from a Member State, shall only take place after assessment and approval of the Member State filing authority. The Member State filing authority may reject the transfer for the reason of national or of Union interest, and shall approve it only where the transferee demonstrates that it has

adequate technical capacity, financial viability, and independence, and its continued use provides a substantial economic or public benefit to the Member State or the Union.

Where the filing is linked with the use of harmonised radio spectrum, the transfer should also be approved by the European Commission. The approval may be conditional on the Union policy priorities and the transferee respecting obligations, in particular as regards coordination with existing and future Union satellite systems.This is without prejudice to the right of Member States to maintain stringent provisions in regard to conditions for transferring of ITU filings.

Or. en

Justification

ITU filings should be much more coordinated at the EU level. Its transfer could have consequences not only for 1 Member State but also for the single market, especially when it comes to harmonised radio spectrum. Therefore, more stringent rules are necessary.

Amendment 334

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The Commission, taking into account any RSPB opinion, ***may, by means of implementing*** acts, ***specify*** the conditions attached to the general authorisation for the provision of satellite networks or satellite communications services, within the limits specified in Article 9(4).The conditions shall include but not be limited to:	The Commission, taking into account any RSPB opinion, ***shall, adopt delegated*** acts, ***supplementing this Regulation with*** the conditions attached to the general authorisation for the provision of satellite networks or satellite communications services, within the limits specified in Article 9(4)***, in accordance with Article 198***.The conditions shall include but not be limited to:

Or. en

Amendment 335

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) maintenance of integrity, security and resilience of the satellite networks and satellite communications services;	(c) maintenance of integrity, security and resilience of the satellite networks and satellite communications services ***in compliance with cybersecurity rules, including ICT supply chain requirements pursuant to Regulation (EU) [XXX] of the European Parliament and of the Council on Cybersecurity Act 2***;

Or. en

Amendment 336

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) maintenance of permanent control over the transmission of all radio stations, including satellite ground stations and, where applicable, their complementary ground and airborne components, using the radio spectrum authorised under the Union authorisation, even where they are owned, installed or operated by third parties or not located ***inside*** the Union;	(d) maintenance of permanent control over the transmission of all radio stations, including satellite ground stations and, where applicable, their complementary ground and airborne components, using the radio spectrum authorised under the Union authorisation, even where they are owned, installed or operated by third parties or not located ***within*** the Union;

Or. en

Amendment 337

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) data retention or lawful interception	(e) ***fulfilment of*** data retention or

obligations. The ***implementing*** act adopted pursuant to the first sub-paragraph shall set objective criteria for designating the obligations on data retention and lawful interception which shall be set as condition to the EU satellite authorisation.	lawful interception obligations. The ***delegated*** act adopted pursuant to the first sub-paragraph shall set objective criteria for designating the obligations on data retention and lawful interception ***and legal representatives in accordance with Directive (EU) 2023/1544 of the European Parliament and the Council*** which shall be set as condition to the EU satellite authorisation.

Or. en

Amendment 338

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
The implementing acts referred to in the first sub-paragraph shall be adopted in accordance with the procedure referred to in Article 199(4).	***deleted***

Or. en

Amendment 339

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission, taking into account any opinion of the RSPB, shall by means of an implementing act establish and update the European Table of Allocation of Satellite Frequencies identifying radio spectrum bands available for satellite communication services in the Union. The Commission shall harmonise radio spectrum available for satellite communications services pursuant to Decision No 676/2002/EC and authorise	2. The Commission, taking into account any opinion of the RSPB, shall by means of an implementing act establish and update the European Table of Allocation of Satellite Frequencies identifying radio spectrum bands available for satellite communication services in the Union. The Commission shall harmonise radio spectrum available for satellite communications services pursuant to Decision No 676/2002/EC and authorise

the use of harmonised radio spectrum for satellite communications services. ***The Commission may decide that*** access to ***certain*** satellite radio spectrum bands shall ***be possible under*** general authorisation. In such a case, ***it*** shall establish the authorisation conditions for the use of radio spectrum in those bands, including any applicable fees.	the use of harmonised radio spectrum for satellite communications services. Access to satellite radio spectrum bands shall***, as a general rule, be subject to*** general authorisation. In such a case, shall establish the authorisation conditions for the use of radio spectrum in those bands, including any applicable fees.

Or. en

Amendment 340

Proposal for a regulation
Article 39 – paragraph 4 – introductory part

Text proposed by the Commission	*Amendment*
4. By implementing acts, to be adopted by [12 months after the date of entry into force of this Regulation] taking into account the characteristics of the spectrum bands concerned and any RSPB opinion, the Commission shall specify the conditions for the authorisation and use for the ***different*** spectrum bands, ensuring that authorised ***operatorsare*** subject to the following requirements:	4. By implementing acts, to be adopted by [12 months after the date of entry into force of this Regulation] taking into account the characteristics of the spectrum bands concerned and ***taking utmost account of*** any RSPB opinion, the Commission shall specify the conditions for the authorisation and use for the ***relevant*** spectrum bands, ensuring that authorised ***operators are*** subject to the following requirements:

Or. en

Amendment 341

Proposal for a regulation
Article 39 – paragraph 4 – point b – point iii

Text proposed by the Commission	*Amendment*
(iii) that no harmful interference is created to other ***satellite*** networks or systems nor to any stations operated in accordance with the ITU Radio Regulations;	(iii) that no harmful interference is created to other networks or systems nor to any stations operated in accordance with the ITU Radio Regulations;

Or. en

Amendment 342

Proposal for a regulation
Article 39 – paragraph 4 – point d

Text proposed by the Commission	*Amendment*
(d) to use radio spectrum for the provision of satellite communications services in accordance with ITU Radio Regulations, including avoidance of harmful interference and, where applicable, in accordance with any technical harmonisation act adopted pursuant to Decision ***No 626/2002/EC***;	(d) to use radio spectrum for the provision of satellite communications services in accordance with ***Union policies and*** ITU Radio Regulations, including avoidance of harmful interference***, in particular to any satellite system authorised in the Union or financed under the Union's programmes,*** and, where applicable, in accordance with any technical harmonisation act adopted pursuant to Decision ***No 676/2002/EC***;

Or. en

Amendment 343

Proposal for a regulation
Article 39 – paragraph 4 – point f

Text proposed by the Commission	*Amendment*
(f) payment of radio spectrum fees to be determined on the basis of a ***methology*** established by the Commission, by delegated act, in compliance with the criteria of Article 29(2) first subparagraph;	(f) payment of radio spectrum fees to be determined on the basis of a ***methodology*** established by the Commission, by delegated act, in compliance with the criteria of Article 29(2) first subparagraph;

Or. en

Amendment 344

Proposal for a regulation
Article 40 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where necessary, the RSPB may postpone the submission of its opinion and ask the Commission to take appropriate measures in order to harmonise the technical conditions for the use of the radio spectrum pursuant to Decision ***No 626/2002/EC*** or other conditions of the Union authorisations.	Where necessary, the RSPB may postpone the submission of its opinion and ask the Commission to take appropriate measures in order to harmonise the technical conditions for the use of the radio spectrum pursuant to Decision ***No 676/2002/EC*** or other conditions of the Union authorisations.

Or. en

Amendment 345

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
The duration of the Union authorisation shall be determined by the Commission***.*** Article 24 shall apply mutatis mutandis to the rights granted under Union authorisation.	The duration of the Union authorisation shall be determined by the Commission ***in line with*** Article 24***, which*** shall apply mutatis mutandis to the rights granted under Union authorisation.

Or. en

Amendment 346

Proposal for a regulation
Article 45 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Shared use of radio spectrum ***between*** terrestrial ***and*** satellite systems shall only be possible with the agreement and under the responsibility of the primary holder of the terrestrial right of use where such primary holder is present, and shall aim to ensure efficient use of radio spectrum, prevent harmful interference to terrestrial networks providing wireless	1. Shared use of radio spectrum ***harmonised for*** terrestrial ***wireless broadband electronic communication services by*** satellite systems shall only be possible ***to complement terrestrial services*** with the agreement ***of,*** and under the responsibility of the primary holder of the terrestrial right of use where such primary holder is present, and shall aim to ensure

broadband electronic communications services and adequately protect these and other relevant incumbent wireless broadband services and applications, by safeguarding the unconstrained continuity of the current operation and the future evolution and development of all relevant radio services and applications currently using these bands and adjacent bands.	efficient use of radio spectrum, prevent harmful interference to terrestrial networks providing wireless broadband electronic communications services and adequately protect these and other relevant incumbent wireless broadband services and applications, by safeguarding the unconstrained continuity of the current operation and the future evolution and development of all relevant radio services and applications currently using these bands and adjacent bands.

Or. en

Amendment 347

Proposal for a regulation
Article 46 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
On the basis of the Union numbering strategy referred to in paragraph 3, the Commission, assisted by the ODN, shall establish the Union numbering plan providing for the numbering resources to be used in the Union by the corresponding cross border or pan-European services.	***deleted***

Or. en

Amendment 348

Proposal for a regulation
Article 46 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
The Union numbering plan, modalities concerning the application for ITU numbering ranges for the Union numbering plan and the conditions that may be attached to the right of use for numbering resources from the Union	***deleted***

numbering plan, including the fees for rights of use for such resources, may be adopted by the Commission by means of implementing acts.

Or. en

Amendment 349

Proposal for a regulation
Article 46 – paragraph 4 – subparagraph 3

Text proposed by the Commission	*Amendment*
Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(3).	***deleted***

Or. en

Amendment 350

Proposal for a regulation
Article 47

Text proposed by the Commission	*Amendment*
Article 47	***deleted***
Pan-European numbering resources	
1. The Commission may take measures to harmonise specific numbers or numbering ranges or apply for numbering ranges to the ITU to ensure the availability of numbering resources for cross-border or pan-European services, in accordance with the Union numbering plan, by means of implementing acts pursuant to Article 46(4).	
2. Member States shall support the harmonisation of specific numbers or numbering ranges within the Union and the application for pan-European numbering resources to the ITU where it	

promotes a single market for electronic communications or the development of pan-European services.

3. National regulatory authorities shall manage, in cooperation with the ODN, the allocation of numbers or number ranges from the pan-European numbering resources and shall enforce the conditions attached to the individual rights of use from the pan-European numbering resources.

4. The ODN shall establish and keep up to date a database of the pan-European numbering resources on the basis of the information provided in a timely manner by national regulatory authorities on the allocation of numbers and beneficiaries of the numbers. Within six months after the adoption of the Union numbering plan, the ODN shall set up the procedure and system for provision of information under this paragraph and under Article 48(4), fourth subparagraph.

Or. en

Justification

There is no convincing evidence to confirm the usefulness and feasibility of introduction of Pan-European numbering ressources.

Amendment 351

Proposal for a regulation
Article 48 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
National regulatory authorities shall ensure that the conditions listed in Article 50 that may be attached to the rights of use for numbering resources used for the provision of services outside the Member State of the country code, as well as their enforcement, are as stringent as the conditions and enforcement applicable to services	National regulatory authorities shall ensure that the conditions listed in Article 50 that may be attached to the rights of use for numbering resources used for the provision of services outside the Member State of the country code, as well as their enforcement, are as stringent as the conditions and enforcement applicable to services

provided within the Member State of the country code in accordance with this Regulation. National regulatory or other competent authorities shall also ensure in accordance with Article 49(6) that providers using numbering resources of their country code in other Member States comply with consumer protection and other national rules related to the use of numbering resources applicable in those Member States where the numbering resources are used. This obligation is without prejudice to the enforcement powers of the competent authorities of those Member States.	provided within the Member State of the country code in accordance with this Regulation. National regulatory or other competent authorities shall also ensure in accordance with Article 49(6) that providers using numbering resources of their country code in other Member States comply***, where applicable,*** with consumer protection and other national rules related to the use of numbering resources applicable in those Member States where the numbering resources are used. This obligation is without prejudice to the enforcement powers of the competent authorities of those Member States.

Or. en

Amendment 352

Proposal for a regulation
Article 48 – paragraph 6

Text proposed by the Commission	*Amendment*
6. First time by [12 months after entry into force] and every two years thereafter, BEREC shall issue a report the national practices regarding the granting of rights of use for national ***and pan-European*** numbering resources, focusing on diverging practices within the Union.	6. First time by [12 months after entry into force] and every two years thereafter, BEREC shall issue a report ***on*** the national practices regarding the granting of rights of use for national numbering resources, focusing on diverging practices within the Union.

Or. en

Amendment 353

Proposal for a regulation
Article 49 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
The rights of use for numbering resources shall be granted through open, objective, transparent, non-discriminatory and	The rights of use for numbering resources shall be granted through open, objective, transparent, non-discriminatory and

proportionate procedures.	proportionate procedures ***that guarantee technological and service neutrality to the largest possible extent***.

Or. en

Amendment 354

Proposal for a regulation
Article 49 – paragraph 6 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where the rights of use for numbering resources include their extraterritorial use within the Union in accordance with Article 48(4), national regulatory authorities shall attach to those rights of use specific conditions in order to ensure compliance with all the relevant national consumer protection rules and national law related to the use of numbering resources applicable in the Member States where the numbering resources are used.	Where the rights of use for numbering resources include their extraterritorial use within the Union in accordance with Article 48(4), national regulatory authorities shall attach to those rights of use specific conditions in order to ensure compliance with all the relevant national consumer protection rules***, where applicable,*** and national law related to the use of numbering resources applicable in the Member States where the numbering resources are used.

Or. en

Amendment 355

Proposal for a regulation
Article 50 – paragraph 1 – point j

Text proposed by the Commission	*Amendment*
(j) enabling access by end-users of numbers from the national numbering plan, Universal International Freephone Numbers, numbering plans of other Member States ***and numbers from the pan-European numbering resources***.	(j) enabling access by end-users of numbers from the national numbering plan, Universal International Freephone Numbers, numbering plans of other Member States.

Or. en

Amendment 356

Proposal for a regulation
Article 52 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the numbers from the pan-European numbering resources.	***deleted***

Or. en

Amendment 357

Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission	*Amendment*
This Title shall apply in Member States where copper networks remain in service after ***30 June 2029***.	This Title shall apply in Member States where copper networks remain in service after ***[6 months after entry into force of this Regulation] and are used by at least 15% of fixed broadband subscribers nationwide and a binding copper switch-off plan, approved by the national regulatory authority, is not in place***. ***Member States that are exempted may choose to apply Articles 59 and 61.***

Or. en

Justification

Copper switch-off measures should be adapted to the national situation. Putting the same obligations on the Member States which have only negligible fraction of copper networks as on those which are in the beginning of the process would create an unjustified administrative burden to the former and should be avoided.

Amendment 358

Proposal for a regulation
Article 54 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***Before 31 December 2035,*** Member States shall mandate the copper switch-off in copper switch-off areas (CSO areas) where the conditions set out in Article 57(1) are met.	1. Member States shall mandate the copper switch-off***, up to the building serving point,*** in copper switch-off areas (CSO areas) where the conditions set out in Article 57(1) are met***, without undue delay***.

Or. en

Amendment 359

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission	*Amendment*
2. By 31 December 2035, Member States shall mandate the copper switch-off in all CSO areas.	***deleted***

Or. en

Amendment 360

Proposal for a regulation
Article 54 – paragraph 3

Text proposed by the Commission	*Amendment*
3. By way of exception to paragraph 2, in CSO areas where fibre deployment is not economically viable and no adequate connectivity solution capable of replacing copper-based services is available, Member States may decide not to mandate the copper switch-off.	***deleted***

Or. en

Amendment 361

Proposal for a regulation
Article 54 – paragraph 4

Text proposed by the Commission	*Amendment*
4. For the purposes of ***paragraphs 1 and 2***, Member States shall mandate the copper switch-off by adopting a binding legal act***. Each such legal act shall set*** a start date for the copper switch-off, which shall be no later than one year after its adoption and shall require that the copper switch-off be completed within three years from that start date. ***For mandates pursuant to paragraph 1,*** the legal act shall be adopted within ***six*** months of the publication of a list referred to in Article 58(3). ***For mandates pursuant to paragraph 2, the legal act shall be adopted by 31 December 2035 at the latest.***	4. For the purposes of ***paragraph 1***, Member States shall mandate the copper switch-off by adopting a binding legal act***, setting*** a start date for the copper switch-off, which shall be no later than one year after its adoption and shall require that the copper switch-off be completed within three years from that start date. The legal act shall be adopted within ***12*** months of the publication of a list referred to in Article 58(3).

Or. en

Amendment 362

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission	*Amendment*
2. National regulatory authorities shall delimit CSO areas***, taking account of the criteria set out in Commission guidance***.	2. National regulatory authorities shall delimit CSO areas***. By 6 months after the entry into force of this Regulation, national regulatory authorities shall publish the list of CSO areas***.

Or. en

Amendment 363

Proposal for a regulation
Article 55 – paragraph 3

Text proposed by the Commission	*Amendment*
3. By 31 May 2028, national regulatory authorities shall publish the list of CSO areas.	***deleted***

Or. en

Amendment 364

Proposal for a regulation
Article 55 – paragraph 4

Text proposed by the Commission	*Amendment*
4. National regulatory authorities ***shall*** review and, where appropriate, update the list of CSO areas to support a timely and orderly copper switch-off. Any updated list shall be published without undue delay.	4. National regulatory authorities ***may*** review and, where appropriate, update the list of CSO areas to support a timely and orderly copper switch-off. Any updated list shall be published without undue delay.

Or. en

Amendment 365

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission	*Amendment*
1. By ***31 October 2029***, each Member State shall prepare a transition to fibre plan and notify it to the Commission.	1. By ***12 months after the entry into force of this Regulation***, each Member State shall prepare a transition to fibre plan and notify it to the Commission.

Or. en

Amendment 366

Proposal for a regulation
Article 56 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. The transition to fibre plan shall set out the Member State's strategy for the nationwide transition to fibre networks, in particular for the migration from copper to FTTH networks. It shall contain ***the following information:***	2. The transition to fibre plan shall set out the Member State's strategy for the nationwide transition to fibre networks, in particular for the migration from copper to FTTH networks. It shall contain***, in particular, a description of measures in place or planned to foster fibre deployment and the transition to FTTH networks.***

Or. en

Amendment 367

Proposal for a regulation
Article 56 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) information on the coverage of copper and fibre networks;	***deleted***

Or. en

Amendment 368

Proposal for a regulation
Article 56 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) a description of measures in place or planned to foster fibre deployment and the transition to FTTH networks;	***deleted***

Or. en

Amendment 369

Proposal for a regulation
Article 56 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) a list of CSO areas indicating, for each area, whether the sustainability conditions set out in Article 57(1) are met, together with the corresponding migration milestones and, where relevant, enabling measures.	***deleted***

Or. en

Amendment 370

Proposal for a regulation
Article 56 – paragraph 3

Text proposed by the Commission	*Amendment*
3. By ***30 June 2034***, Member States shall update their transition to fibre plan and notify the updated plan to the Commission.	3. By ***72 months after the entry into force of this Regulation***, Member States shall update their transition to fibre plan and notify the updated plan to the Commission. ***The updated transition to fibre plan shall report progress on the implementation of the initial plan. It shall also contain the information on the status of the copper switch-off in each CSO area.***

Or. en

Amendment 371

Proposal for a regulation
Article 56 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The updated transition to fibre plan shall report progress on the	***deleted***

implementation of the initial plan. It shall contain the following information:

(a) information on the status of the copper switch-off in each CSO area;

(b) a list of CSO areas where fibre deployment is economically viable but will only be completed after 31 December 2035, together with information on the availability of adequate connectivity solutions capable of replacing copper-based services;

(c) a list of CSO areas where fibre deployment is not economically viable.

Or. en

Amendment 372

Proposal for a regulation
Article 56 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The Commission may comment on the initial and the updated transition to fibre plan within one month from its receipt. Member States shall take account of those ***comments***.	5. The Commission may comment on the initial and the updated transition to fibre plan***, and propose amendments,*** within one month from its receipt. Member States shall take account of those ***inputs***.

Or. en

Amendment 373

Proposal for a regulation
Article 57 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) affordable retail connectivity services of comparable quality are available to end-users relying on copper-based services.	(b) affordable retail connectivity services of ***at least*** comparable quality are available to ***all*** end-users relying on copper-based services.

Or. en

Amendment 374

Proposal for a regulation
Article 58 – paragraph 3

Text proposed by the Commission	*Amendment*
3. By ***30 June 2029***, national regulatory authorities shall publish a list of CSO areas where the sustainability conditions are met. Thereafter, for a period of five years, national regulatory authorities shall publish, ***at least*** every 12 months, a list of CSO areas that subsequently meet those conditions.	3. By ***12 months after the entry into force of this Regulation***, national regulatory authorities shall publish a list of CSO areas where the sustainability conditions are met. Thereafter, for a period of five years, national regulatory authorities shall publish, every 12 months, a list of CSO areas that subsequently meet those conditions.

Or. en

Amendment 375

Proposal for a regulation
Article 59 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	Member States may impose additional obligations regarding end-user information related to copper switch-off on public bodies and retail service providers.

Or. en

Amendment 376

Proposal for a regulation
Article 59 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Prior to the adoption of a binding legal act mandating the copper switch-off pursuant to Article 54***, and in any event no***	5. Prior to the adoption of a binding legal act mandating the copper switch-off pursuant to Article 54, Member States shall

later than 31 December 2035, Member States shall adopt appropriate safeguards to protect end-users relying on copper-based services.	adopt appropriate safeguards to protect end-users relying on copper-based services.

Or. en

Amendment 377

Proposal for a regulation
Article 63 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall ensure that requests for connection to the electricity grid for the purpose of operating electronic communications networks or associated facilities are processed without undue delay and with priority. Member States shall further ensure that undertakings referred to in paragraph 1 and operators of associated facilities as defined in Article 2(13) are provided, within one month of submitting a request, with information on the nearest technically suitable connection points to the electricity grid for the site identified by the requesting undertaking, together with a transparent estimate of the costs and timeline for the grid connection.

Or. en

Amendment 378

Proposal for a regulation
Article 64 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. When assessing the feasibility of co-location, competent authorities shall ensure that assessments of electromagnetic field emissions at the site

concerned are based on measurements of actual emissions.

Or. en

Amendment 379

Proposal for a regulation
Article 66 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***Operators of public*** electronic communications networks shall have a right and***, when requested by other undertakings so authorised in accordance with Article 9,*** an obligation to negotiate with each other interconnection for the purpose of providing publicly available electronic communications services, in order to ensure provision and interoperability of services throughout the Union. Operators shall offer access and interconnection to other undertakings on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles ***68, 67*** and 77.	1. ***Providers of*** electronic communications networks ***used, wholly or mainly, for the purpose of providing electronic communications services or information society services available to the public*** shall have a right and an obligation to negotiate with each other interconnection for the purpose of providing publicly available electronic communications services ***or information society services available to the public***, in order to ensure provision and interoperability of services throughout the Union. Operators ***of public electronic communications networks*** shall offer access and interconnection to ***each other and to*** other undertakings ***as referred to in Articles 67, 68 and 77*** on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles ***67, 68*** and 77.

Or. en

Amendment 380

Proposal for a regulation
Article 66 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The obligation under paragraph 1

of this Article shall not apply to providers that are not operators of public electronic communications networks, except if they are significant traffic providers.

Or. en

Amendment 381

Proposal for a regulation
Article 68 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
National regulatory authorities or, in the case of paragraph 2, first subparagraph, points (b) and (c), of this Article, national regulatory authorities or other competent authorities shall, acting in pursuit of the objectives set out in Article 3, encourage and, where appropriate, ensure, in accordance with this Regulation, adequate access and interconnection, as well as the interoperability of services, exercising their responsibility so as to promote efficiency, sustainable competition, the deployment of ***gigabit*** networks, innovative services enablers, efficient investment and innovation and sustainable delivery of electronic communications services, information society services and content and to give the maximum benefit to end-users.	National regulatory authorities or, in the case of paragraph 2, first subparagraph, points (b) and (c), of this Article, national regulatory authorities or other competent authorities shall, acting in pursuit of the objectives set out in Article 3, encourage and, where appropriate, ensure, in accordance with this Regulation, adequate access and interconnection, as well as the interoperability of services, exercising their responsibility so as to promote efficiency, sustainable competition, the deployment of ***very high capacity*** networks, innovative services enablers, efficient investment and innovation and sustainable delivery of electronic communications services, information society services and content and to give the maximum benefit to end-users.

Or. en

Amendment 382

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) in justified cases, where ***end-to-end connectivity between end-users is***	(c) in justified cases, where interoperability between interpersonal

endangered due to a lack of interoperability between interpersonal communications services, and to the extent necessary to ensure end-to-end connectivity between end-users, obligations on relevant providers of number-independent interpersonal communications services which reach a significant level of coverage and user uptake, to make their services interoperable;	communications services ***is not sufficient***, and to the extent necessary to ensure end-to-end connectivity between end-users, obligations on relevant providers of number-independent interpersonal communications services which reach a significant level of coverage and user uptake, to make their services interoperable;

Or. en

Amendment 383

Proposal for a regulation
Article 69 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a national regulatory authority concludes that ***the obligations imposed in accordance with paragraph 1 may not sufficiently address*** high and non-transitory economic or physical barriers to replication which underlie an existing or emerging market situation significantly limiting competitive outcomes for end-users, it may impose the access obligations, beyond the first concentration or distribution point, on fair and reasonable terms and conditions, unless specific and justified circumstances require a cost orientation. In determining the extent of the obligation beyond the first concentration or distribution point, the national regulatory authority shall take utmost account of relevant BEREC guidelines.	2. Where a national regulatory authority concludes that high and non-transitory economic or physical barriers to replication ***of network,*** which underlie an existing or emerging market situation significantly limiting competitive outcomes for end-users***, persist***, it may impose the access obligations, beyond the first concentration or distribution point, on fair and reasonable terms and conditions, unless specific and justified circumstances require a cost orientation. In determining the extent of the obligation beyond the first concentration or distribution point, the national regulatory authority shall take utmost account of relevant BEREC guidelines.

Or. en

Amendment 384

Proposal for a regulation
Article 69 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) the provider has the characteristics listed in Article 84(1) and makes available a viable and similar alternative means of reaching end-users by providing access to a ***gigabit*** network to any undertaking, on fair, non-discriminatory and reasonable terms and conditions; national regulatory authorities may extend that exemption to other providers offering, on fair, non-discriminatory and reasonable terms and conditions, access to a ***gigabit*** network;	(a) the provider has the characteristics listed in Article 84(1) and makes available a viable and similar alternative means of reaching end-users by providing access to a ***very high capacity*** network to any undertaking, on fair, non-discriminatory and reasonable terms and conditions; national regulatory authorities may extend that exemption to other providers offering, on fair, non-discriminatory and reasonable terms and conditions, access to a ***very high capacity*** network;

Or. en

Amendment 385

Proposal for a regulation
Article 69 – paragraph 6

Text proposed by the Commission	*Amendment*
6. By ***31 October 2029***, BEREC shall assess the effectiveness of the guidelines on common approaches to the identification of the network termination point in different network topologies in contributing to a consistent definition of the location of network termination points by national regulatory authorities.	6. By ***12 months after the entry into force of this Regulation***, BEREC shall assess the effectiveness of***, and update if appropriate,*** the guidelines on common approaches to the identification of the network termination point in different network topologies in contributing to a consistent definition of the location of network termination points by national regulatory authorities***, as well as to promoting end-users' rights and preventing fragmentation of the internal market for terminal equipment***.

Or. en

Amendment 386

Proposal for a regulation
Article 71 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The national regulatory authority ***shall*** impose ***on a*** provider deploying a fibre-to-the-home (FTTH) network ***in the area where the copper switch-off has been mandated*** the obligation to connect***, upon user's request,*** households passed by its fibre network***. Where more than one provider is present in the area, the national regulatory authority may impose such obligations on only one of the providers, based on transparent, proportionate and non-discriminatory criteria***.	1. ***Without prejudice to Article 77 ,*** the national regulatory authority ***may*** impose***, where there is no other existing connection to the end user, on any*** provider deploying a fibre-to-the-home (FTTH) network the obligation to connect households passed by its fibre network***, upon user's request***.

Or. en

Amendment 387

Proposal for a regulation
Article 71 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. In the area where the copper switch off has been mandated, and where there is no other existing connection to the end user, the national regulatory authority shall impose on a provider deploying a fibre-to-the-home (FTTH) network the obligation to connect households passed by its fibre network, upon user's request.

Or. en

Amendment 388

Proposal for a regulation
Article 71 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. Where the household is passed by more than one provider, the national regulatory authority may impose such obligation on only one of the providers, based on transparent, proportionate and non-discriminatory criteria. Where the selected provider provides substantiated justification proving the inability to comply with this obligation, based on transparent, proportionate and non-discriminatory criteria, the national regulatory authority may oblige another provider of electronic communications networks passing the same household, to proceed with such deployment.

Or. en

Amendment 389

Proposal for a regulation
Article 71 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***In the market analysis carried out pursuant to Article 73(1) in the context of the copper switch-off,*** the national regulatory authority shall define the conditions for the access obligations, including the cost recovery calculation, ***as*** needed.	2. The national regulatory authority shall define the conditions for the access obligations, including the cost recovery calculation, ***if*** needed ***as a result of the market analysis carried out pursuant to Article 73(1) in the context of the copper switch-off***.

Or. en

Amendment 390

Proposal for a regulation
Article 71 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the national regulatory authority concludes that the costs ***exceed a normal*** connection ***fee*** and that an additional connection fee may be justified, it shall ensure that such additional fee, when borne by ***end users***, is fair and reasonable. The national regulatory authority may decide to set maximum level of connection fees to be paid by end-users.	3. Where the national regulatory authority concludes that the costs ***of the*** connection ***exceed the connection fees normally applicable in the concerned area*** and that an additional connection fee may be justified, it shall ensure that such additional fee, when borne by ***end-users***, is fair and reasonable. The national regulatory authority may decide to set maximum level of connection fees to be paid by end-users.

Or. en

Amendment 391

Proposal for a regulation
Article 71 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***In the areas where the copper switch-off has been mandated,*** where the connection of households requires providers of electronic communications networks to deploy new fibre wiring and cables and associated facilities inside a multi-dwelling unit, the owner or the administrator of such multi-dwelling unit shall allow such deployment at the request of any resident of the multi-dwelling unit.	4. Where the connection of households requires providers of electronic communications networks to deploy new fibre wiring and cables and associated facilities inside a multi-dwelling unit, the owner or the administrator of such multi-dwelling unit shall allow such deployment at the request of any resident of the multi-dwelling unit.

Or. en

Amendment 392

Proposal for a regulation
Article 71 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The national regulatory authority may request any other provider of electronic communications networks to proceed with such deployment where the provider of electronic communications networks which has passed the multi-dwelling unit provides substantiated justification proving the impossibility to comply with this obligation.	***deleted***

Or. en

Amendment 393

Proposal for a regulation
Article 72 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The Commission shall regularly analyse the overall trends in the Union, based on the results of stakeholders' consultation, and assess, by reference to Article 73(1)(a), (b) and (c), whether the adoption of a recommendation on relevant product and service markets ('the markets Recommendation') is required. The Commission may adopt the markets Recommendation, after public consultation, including with national regulatory authorities, and taking account of the opinion of BEREC.	The Commission shall regularly***, at least every 3 years,*** analyse the overall trends in the Union, based on the results of stakeholders' consultation, and assess, by reference to Article 73(1)(a), (b) and (c), whether the adoption of a recommendation on relevant product and service markets ('the markets Recommendation') is required. The Commission may adopt the markets Recommendation, after public consultation, including with national regulatory authorities, and taking account of the opinion of BEREC. ***In the event the Commission decides not to update the markets Recommendation, the Commission shall publish a summary of the analysis made.***

Or. en

Amendment 394

Proposal for a regulation
Article 72 – paragraph 1 – subparagraph 3

Text proposed by the Commission	*Amendment*
The Recommendation shall identify those product and service markets within the electronic communications sector the characteristics of which may be such as to justify the imposition of regulatory obligations ***set out in this Regulation***, without prejudice to markets that may be defined in specific cases under competition law. These products and services markets shall be defined in accordance with the principles of competition law. Where the Commission decides to adopt the markets Recommendation, it shall review it regularly.	The ***markets*** Recommendation shall identify those product and service markets within the electronic communications sector the characteristics of which may be such as to justify ***at Union level,*** the imposition of ***ex-ante*** regulatory obligations , without prejudice to markets that may be defined in specific cases under competition law. These products and services markets shall be defined in accordance with the principles of competition law. ***The markets Recommendation shall also contain methodological guidance for market definition and market analysis, as well as for the assessment of competitive constraints and geographical market differentiation.*** Where the Commission decides to adopt the markets Recommendation, it shall review it regularly.

Or. en

Amendment 395

Proposal for a regulation
Article 72 – paragraph 1 – subparagraph 4

Text proposed by the Commission	*Amendment*
Where a market is included in the markets Recommendation, national regulatory authorities shall review the market. The markets where ex ante regulation is imposed shall be reviewed every ***five*** years to determine whether the criteria referred to in Article 73(1) are met.	Where a market is included in the markets Recommendation, national regulatory authorities shall review the market. The markets where ex ante regulation is imposed shall be reviewed every ***three*** years to determine whether the criteria referred to in Article 73(1) are met.

Or. en

Amendment 396

Proposal for a regulation
Article 73 – paragraph 1 – subparagraph 3

Text proposed by the Commission	*Amendment*
National regulatory authorities shall follow the procedures set out in Articles 85 and 184 when conducting market analyses and shall proceed in a timely manner, concluding the process within a period of one year.	National regulatory authorities shall follow the procedures set out in Articles 85 and 184 when conducting market analyses and shall proceed in a timely manner, concluding the process within a period of one year***, which can be extended to two years in justified cases***.

Or. en

Amendment 397

Proposal for a regulation
Article 73 – paragraph 2 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) existing commercial agreements aiming at addressing market problems.

Or. en

Amendment 398

Proposal for a regulation
Article 75 – paragraph 1

Text proposed by the Commission	*Amendment*
BEREC shall conduct an analysis of transnational end-user demand for products and services that are provided within the Union, where it receives a reasoned request providing supporting evidence from the Commission or from at least two of the national regulatory authorities concerned indicating that there is a ***serious*** demand	BEREC shall conduct an analysis of transnational end-user demand for products and services that are provided within the Union, where it receives a reasoned request providing supporting evidence from the Commission or from at least two of the national regulatory authorities concerned indicating that there is a demand problem

problem to be addressed. BEREC may also conduct such analysis where it receives a reasoned request from market participants providing sufficient supporting evidence and considers that there is a serious demand problem to be addressed. BEREC's analysis is without prejudice to any findings of transnational markets in accordance with Article 74(1) and to any findings of national or sub-national geographical markets by national regulatory authorities in accordance with Article 72.

to be addressed. BEREC may also conduct such analysis where it receives a reasoned request from market participants providing sufficient supporting evidence and considers that there is a serious demand problem to be addressed. BEREC's analysis is without prejudice to any findings of transnational markets in accordance with Article 74(1) and to any findings of national or sub-national geographical markets by national regulatory authorities in accordance with Article 72.

Or. en

Amendment 399

Proposal for a regulation
Article 77 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In accordance with the principle of proportionality, where an undertaking is designated as having significant market power on a specific market as a result of a market analysis carried out in accordance with Article 73, a national regulatory authority shall choose the least intrusive way of addressing the possible problems identified in the market analysis. ***In this assessment, the national regulatory authorities shall take into consideration the commitments offered by the operators designated as having significant market power under Article 83.***	2. In accordance with the principle of proportionality, where an undertaking is designated as having significant market power on a specific market as a result of a market analysis carried out in accordance with Article 73, a national regulatory authority shall ***in the first instance consider potential commitments offered under Article 83 from the undertaking in question, and only if none have been offered or those offered are clearly not sufficient to address main competition concerns identified in the market analysis, the national regulatory authority may*** choose the ***next*** least intrusive way ***in the form of obligations referred to in paragraph 4*** of addressing the possible problems identified in the market analysis.

Or. en

Amendment 400

Proposal for a regulation
Article 77 – paragraph 4 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where an undertaking is designated as having significant market power, national regulatory authorities ***may, where appropriate, impose obligations such as*** obligations of transparency ***and of*** non-discrimination ***at the first stage of the assessment***.	***Prior to deciding on other obligations***, national regulatory authorities ***shall assess whether the provision of access to passive networks referred to in Article 80, in possible combination with*** obligations of transparency ***referred to in Article 77a,*** non-discrimination ***referred to in article 77b and accounting separation referred to in Article 77c, are adequate, proportionate and sufficient to address the competition concerns identified***. ***These obligations may be accompanied by price control and cost accounting referred to in Article 79.***

Or. en

Amendment 401

Proposal for a regulation
Article 77 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where a national regulatory authority considers the obligations referred to above to be not sufficient or not appropriate, it shall examine whether the imposition of such obligations in combination with obligations imposed in accordance with Article 80 alone would be a proportionate and sufficient means by which to pursue the objectives laid down in Article 3.	***deleted***

Or. en

Amendment 402

Proposal for a regulation
Article 77 – paragraph 4 – subparagraph 3

Text proposed by the Commission	*Amendment*
Without prejudice to Article 80, ***where they consider that additional access*** obligations ***are needed***, national regulatory authorities shall ***impose the obligations granting*** harmonised access ***set out*** in Article 81.	Without prejudice to Article 80, ***and only in case the*** obligations ***referred to in the first subparagraph of this paragraph are not sufficient to address the main competition concerns***, national regulatory authorities shall ***consider imposing the obligation to offer the provision of*** harmonised access ***product referred to*** in Article 81***, in possible combination with the obligations under Articles 80, 77a, 77b and 77c***.

Or. en

Amendment 403

Proposal for a regulation
Article 77 – paragraph 4 – subparagraph 4

Text proposed by the Commission	*Amendment*
Only where national regulatory authorities provide substantiated justification demonstrating that ***such*** obligations ***imposed in accordance with Articles 80 and 81*** do not ***address the competition problems identified on the concerned market, they*** may impose ***other*** obligations ***for*** access to ***specific active or virtual network elements and services***, and use of specific network elements and associated facilities ***pursuant to*** Article 78.	Where national regulatory authorities provide substantiated justification demonstrating that obligations***, referred to in previous subparagraphs,*** do not ***suffice, national regulatory authorities*** may impose obligations ***such as*** access to, and use of***,*** specific network elements and associated facilities ***referred to in*** Article 78 ***in possible combination with obligations of Articles 77a, 77b and 77c***.

Or. en

Amendment 404

Proposal for a regulation
Article 77 – paragraph 4 – subparagraph 5

Text proposed by the Commission	*Amendment*
In addition to the obligations referred to in the fourth subparagraph of this paragraph, where obligations laid down in Articles 77 to 84 are not appropriate, national regulatory authorities may impose the obligation of accounting separation, the obligation of price control and cost accounting obligations.	***deleted***

Or. en

Amendment 405

Proposal for a regulation
Article 77 a (new)

Text proposed by the Commission	*Amendment*
	Article 77a
	Obligation of transparency
	1. National regulatory authorities may, in accordance with Article 77, impose obligations of transparency in relation to interconnection or access, requiring undertakings to make public specific information, such as accounting information, prices, technical specifications, network characteristics and expected developments thereof, as well as terms and conditions for supply and use, including any conditions altering access to or use of services and applications, in particular with regard to migration from legacy infrastructure, where such conditions are allowed by Member States in accordance with Union law.
	2. In particular, where an undertaking has obligations of non-discrimination,

national regulatory authorities may require that undertaking to publish a reference offer, which shall be sufficiently unbundled to ensure that undertakings are not required to pay for facilities which are not necessary for the service requested. That offer shall contain a description of the relevant offerings broken down into components according to market needs, and the associated terms and conditions, including prices. The national regulatory authority may, inter alia, impose changes to reference offers to give effect to obligations imposed under this Regulation.

3. National regulatory authorities may specify the precise information to be made available, the level of detail required and the manner of publication.

4. By 12 months after entry into force of this Regulation, in order to contribute to the consistent application of transparency obligations, BEREC shall, after consulting stakeholders , issue guidelines on the minimum criteria for a reference offer and shall review them where necessary in order to adapt them to technological and market developments. In providing such minimum criteria, BEREC shall pursue the objectives in Article 3, and shall have regard to the needs of the beneficiaries of access obligations and of end-users that are active in more than one Member State, as well as to any BEREC guidelines identifying transnational demand in accordance with Article 75 and to any related decision of the Commission. Notwithstanding paragraph 3 of this Article, where an undertaking has obligations under Article 78, 80 or 81 concerning wholesale access to network infrastructure, national regulatory authorities shall ensure the publication of a reference offer taking utmost account of the BEREC guidelines on the minimum criteria for a reference offer, shall ensure that key performance indicators are

specified, where relevant, as well as corresponding service levels, and closely monitor and ensure compliance with them. In addition, national regulatory authorities may, where necessary, impose the associated financial penalties in case of non-compliance, in accordance with Union and national law.

Or. en

Justification

bringing back slightly adapted framework from the Code.

Amendment 406

Proposal for a regulation
Article 77 b (new)

Text proposed by the Commission	*Amendment*
	Article 77b
	Obligations of non-discrimination
	1. National regulatory authority may, in accordance with Article 77, impose obligations of non-discrimination, in relation to interconnection or access.
	2. Obligations of non-discrimination shall ensure, in particular, that the undertaking applies equivalent conditions in equivalent circumstances to other providers of equivalent services, and provides services and information to others under the same conditions and of the same quality as it provides for its own services, or those of its subsidiaries or partners. National regulatory authorities may impose on that undertaking obligations to supply access products and services to all undertakings, including to itself, on the same timescales, terms and conditions, including those relating to price and service levels, and by means of the same systems and processes, in order

to ensure equivalence of access.

Or. en

Amendment 407

Proposal for a regulation
Article 77 c (new)

Text proposed by the Commission	*Amendment*
	Article 77c
	Obligation of accounting separation
	1. National regulatory authority may, in accordance with Article 77, impose obligations for accounting separation in relation to specified activities related to interconnection or access. In particular, a national regulatory authority may require a vertically integrated undertaking to make transparent its wholesale prices and its internal transfer prices, inter alia to ensure compliance where there is an obligation of non- discrimination under Article 77b or, where necessary, to prevent unfair cross-subsidy. National regulatory authorities may specify the format and accounting methodology to be used.
	2. Without prejudice to Article 181, to facilitate the verification of compliance with obligations of transparency and non-discrimination, national regulatory authorities shall have the power to require that accounting records, including data on revenues received from third parties, are provided on request. National regulatory authorities may publish information that would contribute to an open and competitive market, while complying with Union and national rules on commercial confidentiality.

Or. en

Amendment 408

Proposal for a regulation
Article 78 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(e) the initial investment by the facility owner, taking account of any public investment made and the risks involved in making the investment, with particular regard to investments in, and risk levels associated with, ***gigabit*** networks;	(e) the initial investment by the facility owner, taking account of any public investment made and the risks involved in making the investment, with particular regard to investments in, and risk levels associated with, ***very high capacity*** networks;

Or. en

Amendment 409

Proposal for a regulation
Article 79 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
In determining whether price control obligations would be appropriate, national regulatory authorities shall take into account the need to promote competition and long-term end-user interests related to the deployment and take-up of ***gigabit*** networks. In particular, to encourage investments by the undertaking, including in ***gigabit*** networks, national regulatory authorities shall take into account the investment made by the undertaking, in particular where new investments have been made. Where the national regulatory authorities consider price control obligations to be appropriate, they shall allow the undertaking a reasonable rate of return on adequate capital employed, taking into account any risks specific to a particular new investment network project.	In determining whether price control obligations would be appropriate, national regulatory authorities shall take into account the need to promote competition and long-term end-user interests related to the deployment and take-up of ***very high capacity*** networks. In particular, to encourage investments by the undertaking, including in ***very high capacity*** networks, national regulatory authorities shall take into account the investment made by the undertaking, in particular where new investments have been made. Where the national regulatory authorities consider price control obligations to be appropriate, they shall allow the undertaking a reasonable rate of return on adequate capital employed, taking into account any risks specific to a particular new investment network project.

Or. en

Amendment 410

Proposal for a regulation
Article 79 – paragraph 2

Text proposed by the Commission	*Amendment*
2. National regulatory authorities shall ensure that any cost recovery mechanism or pricing methodology that is mandated serves to promote the deployment of new and enhanced networks, efficiency and ***sustainable*** competition and maximises sustainable end-user benefits. In this regard, national regulatory authorities may also take account of prices available in comparable competitive markets.	2. National regulatory authorities shall ensure that any cost recovery mechanism or pricing methodology that is mandated serves to promote the deployment of new and enhanced networks, efficiency and ***long-term*** competition and maximises sustainable end-user benefits. In this regard, national regulatory authorities may also take account of prices available in comparable competitive markets.

Or. en

Amendment 411

Proposal for a regulation
Article 81 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Without prejudice to Article 80, a national regulatory authority shall assess whether it is justified and proportionate to impose on an operator designated as having significant market power on a specific market as a result of a market analysis carried out in accordance with Article 73, an obligation to offer Union harmonised access products ***prior to imposing other access products***.	1. Without prejudice to Article 80, a national regulatory authority shall assess whether it is justified and proportionate to impose on an operator designated as having significant market power on a specific market as a result of a market analysis carried out in accordance with Article 73, an obligation to offer Union harmonised access products.

Or. en

Amendment 412

Proposal for a regulation
Article 81 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission ***may*** adopt within ***[***6 months from entry into force of this Regulation] ***implementing acts*** setting out the technical specifications, standard cost elements, cost methodologies for harmonised products and the reference offer related to the harmonised access product(s), taking ***into*** account the opinion of BEREC***. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4)***.	4. The Commission ***is empowered to*** adopt ***delegated acts in accordance with Article 198 to supplement this Regulation[***within 6 months from entry into force of this Regulation] ***by*** setting out the technical specifications, standard cost elements, cost methodologies for harmonised products and the reference offer related to the harmonised access product(s), taking ***utmost*** account ***of*** the opinion of BEREC ***and after consulting stakeholders***.

Or. en

Amendment 413

Proposal for a regulation
Article 83 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) co-investment in ***gigabit*** networks;	(b) co-investment in ***very high capacity*** networks;

Or. en

Amendment 414

Proposal for a regulation
Article 83 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The offer for commitments shall be sufficiently detailed regarding the scope, the duration and the timing and modality of their implementation, to allow the national	The offer for commitments shall be sufficiently detailed regarding the scope, the duration and the timing and modality of their implementation, to allow the national

regulatory authority to undertake its assessment pursuant to paragraph 3 of this Article. Such commitments ***may extend beyond the periods for carrying out*** market analysis provided for in Article 73(6).	regulatory authority to undertake its assessment pursuant to paragraph 3 of this Article. Such commitments ***shall last at least until the next*** market analysis provided for in Article 73(6).

Or. en

Amendment 415

Proposal for a regulation
Article 83 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) the overall adequacy of the commitments offered to enable sustainable competition on downstream markets and to facilitate cooperative deployment and take-up of ***gigabit*** networks in the interest of end-users.	(d) the overall adequacy of the commitments offered to enable sustainable competition on downstream markets and to facilitate cooperative deployment and take-up of ***very high capacity*** networks in the interest of end-users.

Or. en

Amendment 416

Proposal for a regulation
Article 85 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The draft measure referred to in paragraph ***3*** of this Article shall not be adopted for a further 90 working days, where that measure aims to:	The draft measure referred to in paragraph ***2*** of this Article shall not be adopted for a further 90 working days, where that measure aims to:

Or. en

Amendment 417

Proposal for a regulation
Article 85 – paragraph 6 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) take a decision requiring the national regulatory authority concerned not to adopt the draft measure where the Commission's reservations were based on paragraph 3, points (a), (b) or (c);	(a) take a decision requiring the national regulatory authority concerned not to adopt the draft measure where the Commission's reservations were based on paragraph 3, points (a), (b) or***, where BEREC at least partially shares Commission's serious doubts,*** (c);

Or. en

Amendment 418

Proposal for a regulation
Article 85 – paragraph 6 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) for draft measures falling under Article 69(2), take a decision requiring the national regulatory authority concerned to withdraw the draft measure.	(c) for draft measures falling under Article 69(2)***, in case of determination of a serious violation of the provisions of this Article***, take a decision requiring the national regulatory authority concerned to withdraw the draft measure.

Or. en

Amendment 419

Proposal for a regulation
Article 88 – paragraph 1

Text proposed by the Commission	*Amendment*
1. National regulatory authorities in coordination with other competent authorities shall monitor ***annually*** the evolution and level of retail prices of the services referred to in Article 87(1) available on the market, in particular in relation to national prices and national consumer income.	1. National regulatory authorities in coordination with other competent authorities shall ***regularly*** monitor the evolution and level of retail prices of the services referred to in Article 87(1) available on the market, in particular in relation to national prices and national consumer income.

Or. en

Amendment 420

Proposal for a regulation
Article 88 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where Member States establish that, in light of national conditions, retail prices for the services referred to in Article 87(1) are not affordable, because consumers with low income or special social needs are prevented from accessing such services, they shall take measures to ensure affordability for such consumers of adequate internet access service and voice communications services at least at a fixed location.	2. Where Member States establish that, in light of national conditions, retail prices for the services referred to in Article 87(1) are not affordable, because consumers with ***particularly*** low income or special social needs are prevented from accessing such services, they shall take measures to ensure affordability for such consumers of adequate internet access service and voice communications services at least at a fixed location. ***For that purpose, Member States shall ensure support is provided to such consumers for communication purposes through vouchers, social allowances or direct payments.***

Or. en

Amendment 421

Proposal for a regulation
Article 88 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where Member States decide to require tariff options or packages, these shall be offered by all providers. These offers shall be easily accessible to consumers with low income or special social needs. National regulatory authorities in coordination with other competent authorities shall ensure, where applicable, that the conditions under which undertakings provide tariff options	***deleted***

or packages are fully transparent and are published and applied in accordance with the principles of non-discrimination and efficiency.	
Consumers entitled to the tariff options or packages referred to in the first subparagraph of this paragraph shall have a right to conclude a contract with a provider of adequate internet access service and voice communications services.	
When a consumer so requests, the contract shall be limited to voice communications services.	

Or. en

Amendment 422

Proposal for a regulation
Article 88 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall provide support, as appropriate, to consumers with disabilities and take other specific measures ***where appropriate***, with a view to ensuring that related terminal equipment and specific equipment and services that enhance equivalent access, including ***where necessary*** total conversation services ***and*** relay services, are ***available and*** affordable.	4. Member States shall provide support, as appropriate, to consumers with disabilities and take other specific measures , with a view to ensuring that related terminal equipment and specific equipment and services that enhance equivalent access, including total conversation services***, as well as, text and video*** relay services, are affordable ***and available***.

Or. en

Amendment 423

Proposal for a regulation
Article 89 – paragraph 1

Text proposed by the Commission	*Amendment*
The Commission ***may***, taking into account technological advances and changes in consumer usage patterns, ***adopt implementing acts to determine*** the methodology ***to*** defining the adequate internet access service, including the bandwidth necessary for social and economic participation in society referred to in Article 87 in light of national conditions. ***The implementing*** acts shall also include criteria and methodology to be considered by the national regulatory authorities in coordination with other competent authorities for establishing whether the retail prices of the services referred to in Article 87(1) are affordable for consumers with low income or special social needs referred to in Article 88.	The Commission ***is empowered to adopt delegated acts in accordance with Article 198 to supplement this Regulation by determining***, taking into account technological advances and changes in consumer usage patterns, the methodology ***for*** defining the adequate internet access service, including the bandwidth necessary for social and economic participation in society referred to in Article 87 in light of national conditions. ***Those delegated*** acts shall also include ***the*** criteria and methodology to be considered by the national regulatory authorities in coordination with other competent authorities for establishing whether the retail prices of the services referred to in Article 87(1) are affordable for consumers with ***particularly*** low income or special social needs referred to in Article 88.

Or. en

Amendment 424

Proposal for a regulation
Article 89 – paragraph 2

Text proposed by the Commission	*Amendment*
Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).	***deleted***

Or. en

Amendment 425

Proposal for a regulation
Article 90 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where other measures or public policy tools did not provide the desired effect and Member States decide to impose the universal service obligations referred to in paragraph 1, they may entrust one or more undertakings the provision of such obligations throughout the national territory, or to cover specific parts of the national territory.	Where other measures or public policy tools did not provide the desired effect and Member States decide to impose the universal service obligations referred to in paragraph 1, they may entrust one or more undertakings the provision of such obligations throughout the national territory, or to cover specific parts of the national territory. ***When Member States decide to grant compensation to the providers entrusted with the provision of universal service to address availability at a fixed location, they may choose to use public funding or establish a sharing mechanism between providers of electronic communications networks and services, or both.***

Or. en

Amendment 426

Proposal for a regulation
Article 91

Text proposed by the Commission	*Amendment*
Article 91	***deleted***
Control of expenditure and additional facilities and services	
1. In providing facilities and services additional to those referred to in Article 87, providers of an adequate internet access service and of voice communications services in accordance with Articles 87, 88 and 90 shall establish terms and conditions in such a way that the eligible end-user is not obliged to pay for facilities or services which are not necessary or not required for the service requested.	
2. Providers of an adequate internet access service and of voice	

communications services referred to in Article 87 that provide services pursuant to Article 88 shall offer the following specific facilities and services to consumers benefiting from measures pursuant to Article 88, as applicable, in order that consumers can monitor and control expenditure:

(a) selective barring for outgoing calls or premium SMS or MMS, or, where technically feasible, other kinds of similar applications;

(b) pre-payment systems;

(c) phased payment of connection fees;

(d) proportionate, non-discriminatory and published measures, ensuring due warning of any consequent service interruption or disconnection, to cover non-payment of bills issued by providers and measures to avoid unwarranted disconnection of services, including an appropriate mechanism to check continued interest in using the service;

(e) tariff advice;

(f) cost control, including free-of-charge alerts to consumers in the case of atypical or excessive consumption patterns;

(g) facility to deactivate third party billing.

Or. en

Justification

Moved to Article 95.

Amendment 427

Proposal for a regulation
Article 92 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	Member States may maintain universal service obligations and related designations pursuant to Article 90 that were in force before [6 months after the date of entry into force of this Regulation], for as long as they consider such measures justified by national circumstances, provided that they comply with the principles of proportionality, transparency and non-discrimination.

Or. en

Amendment 428

Proposal for a regulation
Article 93 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Content and application providers, artificial intelligence providers, operating system providers and content delivery networks, shall refrain from any practice, whether technical, contractual or commercial, which can lead to interfering with, discriminating against, or deliberately compromising the equal treatment of traffic, where they are capable to influence traffic management or content delivery quality.

Or. en

Amendment 429

Proposal for a regulation
Article 93 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
The first subparagraph shall not prevent	The first subparagraph shall not prevent

providers of internet access services from implementing reasonable traffic management measures. In order to be deemed to be reasonable, such measures shall be transparent, non-discriminatory and proportionate, and shall not be based on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures shall not monitor ***the*** specific content and shall ***not be maintained for longer than necessary***.

providers of internet access services from implementing reasonable traffic management measures. In order to be deemed to be reasonable, such measures shall be transparent, non-discriminatory and proportionate, and shall not be based ***purely*** on commercial considerations but on objectively different technical quality of service requirements of specific categories of traffic. Such measures ***may include differentiating among specific categories of traffic subject to different technical requirements, provided that, all traffic within each specific category is treated equally and in a non-discriminatory manner. Such measures*** shall not monitor ***any*** specific content and shall ***be compliant with EU data protection provisions***.

Or. en

Amendment 430

Proposal for a regulation
Article 93 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***Providers of electronic communications to the public, including providers of internet access services, and providers of content, applications and services shall be free to offer services other than internet access services which are optimised for specific content, applications or services, or a combination thereof, where the optimisation is necessary in order to meet requirements of the content, applications or services for a specific level of quality.*** Providers of electronic communications to the public, including providers of internet access services, may offer or facilitate ***such*** services only where the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a	5. Providers of electronic communications to the public, including providers of internet access services, may offer or facilitate ***services other than internet access*** services***, in a non-exclusive way and on a non-discriminatory basis*** only where***,*** the network capacity is sufficient to provide them in addition to any internet access services provided. Such services shall not be usable or offered as a replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for end-users.

replacement for internet access services, and shall not be to the detriment of the availability or general quality of internet access services for end-users.

Or. en

Amendment 431

Proposal for a regulation
Article 93 – paragraph 6 – subparagraph 1

Text proposed by the Commission	*Amendment*
The Commission ***may*** adopt ***implementing acts detailing*** the conditions ***referred to in this Article*** for the offering of services other than internet access services ***which are optimised for specific content, applications or*** services***, or a combination thereof***.	The Commission ***shall*** adopt ***delegated acts supplementing paragraph 5 of this Article concerning*** the conditions for the offering of services other than internet access services***. In particular, such delegated act may include the methodology for determining sufficient network capacity and may lay down the criteria how to assess when a service would not be considered to be usable or offered as a replacement for internet access*** services ***or not to be to the detriment of the availability or general quality of internet access services for end-users***. ***The Commission shall request the opinion of BEREC and shall take the utmost account of it before adopting the acts. The delegated acts shall be adopted, by 9 months after the entry into force of this Regulation, in accordance with Article 198.***

Or. en

Amendment 432

Proposal for a regulation
Article 93 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(4).	***deleted***

Or. en

Amendment 433

Proposal for a regulation
Article 94 – paragraph 1

Text proposed by the Commission	*Amendment*
1. National regulatory authorities shall closely monitor and ensure compliance with Article 93 and shall promote the continued availability of non-discriminatory ***internet*** access services at levels of quality that reflect advances in technology. For those purposes, national regulatory authorities may impose requirements concerning technical characteristics, minimum quality of service requirements and other appropriate and necessary measures on one or more providers of electronic communications to the public, including providers of internet access services.	1. National regulatory authorities shall closely monitor and ensure compliance with Article 93 and shall promote the continued availability of non-discriminatory access ***to information, content, applications and*** services at levels of quality that reflect advances in technology. For those purposes, national regulatory authorities may impose requirements concerning technical characteristics, minimum quality of service requirements and other appropriate and necessary measures on one or more providers of electronic communications to the public, including providers of internet access services***, and other providers referred to in second subparagraph of Article 93(3)***. ***National regulatory authorities shall publish reports on a biennial basis regarding their monitoring and findings, and provide those reports to the Commission and to BEREC.***

Or. en

Amendment 434

Proposal for a regulation
Article 94 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Providers of electronic communications to the public, including providers of internet access services, shall ***provide, every two years, to*** national regulatory ***authorities,*** information relevant to the obligations set out in ***Article 93***, in particular information concerning the management of their network capacity and traffic, as well as justifications for any traffic management measures applied.	2. ***At the request of the national regulatory authority,*** providers of electronic communications to the public, including providers of internet access services, ***and, where relevant, providers referred to in second subparagraph of Article 93(3)*** shall ***make available to that*** national regulatory ***authority*** information relevant to the obligations set out in ***Articles 93, 95, 188(3) and Section 5 of Annex III***, in particular information concerning the management of their network capacity and traffic, as well as justifications for any traffic management measures applied. ***Those providers shall provide the requested information in accordance with the time-limits and the level of detail required by the national regulatory authority.***

Or. en

Amendment 435

Proposal for a regulation
Article 94 – paragraph 3

Text proposed by the Commission	*Amendment*
3. National regulatory authorities shall share with BEREC updates on their main practices and national findings concerning open internet access based on the information received pursuant to paragraph 2. Based on the information from the national regulatory authorities, BEREC shall, by 24 months after the date of entry into force of this Regulation and every two years thereafter publish a report regarding the main practices and findings concerning open internet access in the Union.	***deleted***

Or. en

Amendment 436

Proposal for a regulation
Article 94 – paragraph 4

Text proposed by the Commission	*Amendment*
4. By [12 months after the entry into force of this Regulation] BEREC shall, in close cooperation with the Commission, publish a common template to be used to collect the required information under paragraph 2.	***deleted***

Or. en

Amendment 437

Proposal for a regulation
Article 95 – title

Text proposed by the Commission	*Amendment*
Information requirements for contracts	Information requirements for contracts ***and additional facilities for consumers***

Or. en

Amendment 438

Proposal for a regulation
Article 95 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The information shall be provided in a clear and comprehensible manner on a durable medium as defined in Article 2, point (10), of Directive 2011/83/EU or, where provision on a durable medium is not feasible, in an easily downloadable document made available by the provider. The provider shall expressly draw the consumer's attention to the availability of	The information shall be provided in a clear and comprehensible manner on a durable medium as defined in Article 2, point (10), of Directive 2011/83/EU or, where provision on a durable medium is not feasible ***or in case of pre-paid services***, in an easily downloadable document made available by the provider. The provider shall expressly draw the consumer's

that document and the importance of downloading it for the purposes of documentation, future reference and unchanged reproduction.	attention to the availability of that document and the importance of downloading it for the purposes of documentation, future reference and unchanged reproduction.

Or. en

Amendment 439

Proposal for a regulation
Article 95 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where internet access services or publicly available interpersonal communications services are billed on the basis of either time or volume consumption, their providers shall offer consumers the facility to monitor and control the usage and cost of each of those services. This facility shall include access to timely information on the level of consumption of services included in a tariff plan. In particular, providers shall notify consumers before any consumption limit, included in their tariff plan, is reached and when a service included in their tariff plan is fully consumed.	5. Where internet access services or publicly available interpersonal communications services are billed on the basis of either time or volume consumption, their providers shall offer consumers***, free of charge,*** the facility to monitor and control the usage and cost of each of those services. This facility shall include access to timely information on the level of consumption of services included in a tariff plan. In particular, providers shall notify consumers before any consumption limit, included in their tariff plan, is reached and when a service included in their tariff plan is fully consumed.

Or. en

Amendment 440

Proposal for a regulation
Article 95 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
Such itemised bills shall include ***an explicit mention of the identity of the supplier and of the duration of the services charged by*** any premium numbers	***This*** shall include ***information on consumption and charges broken down into specific categories, extra charges including those related to consumption***

unless the consumer has requested that information not to be mentioned.	***beyond the tariff package chosen and related to*** any premium numbers unless the consumer has requested that information not to be mentioned.

Or. en

Amendment 441

Proposal for a regulation
Article 95 – paragraph 6 – subparagraph 4 a (new)

Text proposed by the Commission	*Amendment*
	Providers shall offer consumers a facility to deactivate the ability for third party service providers to use the bill of a provider of an internet access service or a provider of a publicly available interpersonal communications service to charge for their products or services.

Or. en

Amendment 442

Proposal for a regulation
Article 95 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. Providers of internet access services or publicly available interpersonal communications services referred to in paragraph 5 shall ensure that due warning of any service interruption or disconnection is given to consumers beforehand in case of non-payment of bills. Disconnection for non-payment of bills shall take place only after due warning is given to the consumer in accordance with national law.

Or. en

Amendment 443

Proposal for a regulation
Article 95 – paragraph 6 b (new)

Text proposed by the Commission	*Amendment*
	6b. Member States shall also require providers of internet access services and of publicly available interpersonal communications services to offer the following specific facilities and services in order that consumers can monitor and control expenditure:
	(a) where technically feasible, selective barring for outgoing calls or premium SMS or MMS;
	(b) cost control, including free-of-charge alerts to consumers in the case of atypical or excessive consumption patterns.

Or. en

Amendment 444

Proposal for a regulation
Article 95 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Member States shall not maintain or introduce in their national law consumer protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection. ***This is without prejudice to the right of Member States to maintain provisions on additional facilities under Directive (EU) 2018/1972.***	7. Member States shall not maintain or introduce in their national law consumer protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection.

Or. en

Amendment 445

Proposal for a regulation
Article 96 – title

Text proposed by the Commission	*Amendment*
Transparency	Transparency ***and comparison of offers***

Or. en

Amendment 446

Proposal for a regulation
Article 96 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Where providers of internet access services or publicly available interpersonal communications services make the provision of those services to consumers subject to terms and conditions, they shall publish the information referred to in Annex IV to this Regulation in a clear, comprehensive, machine-readable manner and in an accessible format for ***end-users*** with disabilities in accordance with the accessibility requirements set in Annex I to Directive (EU) 2019/882. Such information shall be updated regularly.	1. Where providers of internet access services or publicly available interpersonal communications services make the provision of those services to consumers subject to terms and conditions, they shall publish the information referred to in Annex IV to this Regulation in a clear, comprehensive, machine-readable manner and in an accessible format for ***consumers*** with disabilities in accordance with the accessibility requirements set in Annex I to Directive (EU) 2019/882. Such information shall be updated regularly.

Or. en

Amendment 447

Proposal for a regulation
Article 96 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	National regulatory authorities may ensure that consumers have access free of charge to independent comparison tool which enables them to compare and

evaluate different internet access services and publicly available number-based interpersonal communications services, and, where applicable, publicly available number-independent interpersonal communications services. Providers of internet access services and publicly available interpersonal communications services shall provide relevant information, requested by national regulatory authorities.

Or. en

Amendment 448

Proposal for a regulation
Article 96 a (new)

Text proposed by the Commission	*Amendment*
	Article 96a
	Quality of service
	1. National regulatory authorities in coordination with other competent authorities, where relevant, may require providers of internet access services and of publicly available interpersonal communications services to publish comprehensive, comparable, reliable, user-friendly and up-to-date information for end-users on the quality of their services, to the extent that they control at least some elements of the network either directly or by virtue of a service level agreement to that effect.
	2. BEREC shall, after consulting stakeholders and in close cooperation with the Commission, issue guidelines detailing quality of service parameters. The guidelines shall also detail the relevant quality of service parameters for internet access services and publicly available interpersonal communications services, including parameters for the monitoring mechanism, parameters

relevant for end-users with disabilities, the applicable measurement methods, form and manner of the information to be published and quality certification mechanisms.

3. National regulatory authorities in coordination with other competent authorities shall specify, taking utmost account of BEREC guidelines, the quality of service parameters.

Or. en

Amendment 449

Proposal for a regulation
Article 97 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Conditions and procedures for contract termination shall not act as a disincentive to changing service provider. Contracts concluded between consumers and providers of publicly available electronic communications services other than number-independent interpersonal communications services and other than transmission services used for the provision of machine-to-machine services shall not mandate a commitment period longer than 24 months. ***This is without prejudice to the right of Member States to maintain provisions which mandate shorter maximum contractual commitment periods.***	Conditions and procedures for contract termination shall not act as a disincentive to changing service provider. Contracts concluded between consumers and providers of publicly available electronic communications services other than number-independent interpersonal communications services and other than transmission services used for the provision of machine-to-machine services shall not mandate a commitment period longer than 24 months.

Or. en

Amendment 450

Proposal for a regulation
Article 97 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
This paragraph shall not apply to the duration of an instalment contract where the consumer has agreed in a separate contract to instalment payments exclusively for deployment of a physical connection, in particular to ***gigabit*** networks. An instalment contract for the deployment of a physical connection shall not include terminal equipment, such as a router or modem, and shall not preclude consumers from exercising their rights under paragraphs 2 to 6.	This paragraph shall not apply to the duration of an instalment contract where the consumer has agreed in a separate contract to instalment payments exclusively for deployment of a physical connection, in particular to ***very high capacity*** networks. An instalment contract for the deployment of a physical connection shall not include terminal equipment, such as a router or modem, and shall not preclude consumers from exercising their rights under paragraphs 2 to 6.

Or. en

Amendment 451

Proposal for a regulation
Article 97 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	Where a provider charges a fee for the termination of a contract by an end-user, any fee charged shall be reasonable, proportionate and expressly laid down in the contract.

Or. en

Amendment 452

Proposal for a regulation
Article 97 – paragraph 4 – subparagraph 2

Text proposed by the Commission	*Amendment*
For internet access service, any significant discrepancy, continuous or regularly recurring, between the actual performance of the internet access service regarding	For internet access service, any significant discrepancy, continuous or regularly recurring, between the actual performance of the internet access service regarding

speed or other quality of service parameters and the performance indicated by the provider of internet access services in accordance with points (a) to (d) of Section 5 of Annex III shall, where the relevant facts are established by the monitoring mechanism specified in the BEREC guidelines referred to in Article 94(5) and certified by the national regulatory authority, be deemed to constitute non-conformity of performance for the purposes of triggering the remedies available to the consumer in accordance with national law.	speed or other quality of service parameters and the performance indicated by the provider of internet access services in accordance with points (a) to (d) of Section 5 of Annex III shall, where the relevant facts are established by the monitoring mechanism specified in the BEREC guidelines referred to in Article 94(5) and certified by the national regulatory authority, be deemed to constitute non-conformity of performance for the purposes of triggering the remedies available to the consumer in accordance with national law ***including the right to terminate the contract free of cost***.

Or. en

Amendment 453

Proposal for a regulation
Article 97 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Member States shall not maintain or introduce in their national law end-user protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection. ***This is without prejudice to the right of Member States to maintain provisions referred to in paragraph 1.***	6. Member States shall not maintain or introduce in their national law end-user protection provisions diverging from this Article, including more or less stringent provisions to ensure a different level of protection.

Or. en

Amendment 454

Proposal for a regulation
Article 98 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Where a bundle of services or a bundle of services and terminal equipment	1. Where a bundle of services or a bundle of services and terminal equipment

offered to a consumer comprises at least an internet access service or a publicly available number-based interpersonal communications service, Article ***95(2)***, Article 96(1), Article 97 and Article 100(1) shall apply to all elements of the bundle including, mutatis mutandis, those not otherwise covered by those provisions.	offered to a consumer comprises at least an internet access service or a publicly available number-based interpersonal communications service, Article ***95(2, 5-6b)***, Article 96(1), Article 97 and Article 100(1) shall apply to all elements of the bundle including, mutatis mutandis, those not otherwise covered by those provisions.

Or. en

Amendment 455

Proposal for a regulation
Article 99 – title

Text proposed by the Commission	*Amendment*
Rights for microenterprises***, small and medium-sized enterprises or*** not-for-profit organisations	***End-user*** rights for microenterprises ***and*** not-for-profit organisations

Or. en

Amendment 456

Proposal for a regulation
Article 99 – paragraph 1

Text proposed by the Commission	*Amendment*
Article 95, Article ***97(1)***, Article 98(1) and Article 98(3) shall also apply to end-users that are microenterprises or not-for-profit organisations, unless they have explicitly agreed to waive all or parts of rights laid down in those provisions. ***Article 97(2), Article 97(3) and Article 97(5)*** shall ***also apply to*** end-users ***that are microenterprises, small and medium-sized enterprises or not-for-profit organisations, unless they have explicitly agreed to waive all or parts of the rights laid down*** in those provisions.	Article 95, Article ***97(1-3, 5)***, Article 98(1) and Article 98(3) shall also apply to end-users that are microenterprises***, as defined in Recommendation 2003/361/EC,*** or not-for-profit organisations, unless they have explicitly agreed to waive all or parts of rights laid down in those provisions. ***Waiver of such rights*** shall ***not be made a condition of such*** end-users ***entering a contract for the services referred to*** in those provisions.

Or. en

Amendment 457

Proposal for a regulation
Article 103 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Providers of internet access services and of publicly available interpersonal communications services shall cooperate with national competent authorities to identify effective measures to prevent fraudulent activities perpetrated by making use of those services, that affect end-users, while ensuring full compliance with Union legislation on personal data protection.	1. Providers of internet access services and ***providers*** of publicly available interpersonal communications services***, as well as transit service providers operating in a Member State*** shall cooperate with national competent authorities to identify ***and implement*** effective measures to prevent fraudulent activities perpetrated by making use of those services, that affect end-users, while ensuring full compliance with Union legislation on personal data protection.

Or. en

Amendment 458

Proposal for a regulation
Article 103 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. When introducing measures to prevent fraudulent activities, providers of internet access services and providers of publicly available interpersonal communications services may derogate from applying Articles 6 and 9 of the Directive 2002/58/EC and national laws stemming from it, when it is justified for the effectiveness of measures introduced and metadata and traffic data are not further processed for another purpose.

Or. en

Amendment 459

Proposal for a regulation
Article 103 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***The ODN*** shall collect information from national regulatory or other competent authorities, relevant European and global organisations and stakeholders, including EUROPOL and ENISA, on the fraudulent activities perpetrated by making use of the services referred to in paragraph 1, in particular on those that are of cross-border nature.	2. ***BEREC*** shall collect information from national regulatory or other competent authorities, relevant European and global organisations and stakeholders, including EUROPOL and ENISA, on the fraudulent activities perpetrated by making use of the services referred to in paragraph 1, in particular on those that are of cross-border nature.

Or. en

Amendment 460

Proposal for a regulation
Article 103 – paragraph 3

Text proposed by the Commission	*Amendment*
3. BEREC, after consulting the European Data Protection Board and ENISA, shall issue guidelines on technical and legal measures that could effectively protect end-users against fraudulent activities in the Union, in particular measures relying on the empowerment of national regulatory authorities or competent authorities to block numbers and services pursuant to Article 52(2). The first such BEREC guidelines shall be adopted [12 months after the date of entry into force of this Regulation]. BEREC shall update the guidelines when necessary but at least every two years after their adoption.	3. BEREC, after consulting the European Data Protection Board and ENISA, shall issue guidelines on technical and legal measures that could effectively protect end-users against fraudulent activities in the Union, in particular measures relying on the empowerment of national regulatory authorities or competent authorities to block numbers and services pursuant to Article 52(2). The ***guidelines shall also detail the implementation of effective information sharing for the prevention, detection and mitigation of fraudulent activities. The*** first such BEREC guidelines shall be adopted [12 months after the date of entry into force of this Regulation]. BEREC shall update the guidelines when necessary but at least every two years after their

adoption.

Or. en

Amendment 461

Proposal for a regulation
Article 104 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Providers of number-based interpersonal communications services shall ensure free of charge access for end-users, including end-users with disabilities, to the service operating a hotline to report cases of missing children. When travelling within the Union, end-users shall have free of charge access to the visited country's service. The hotline shall be available on the number '116000'.	1. Providers of number-based interpersonal communications services shall ensure free of charge access for end-users, including end-users with disabilities, to the service operating a hotline to report cases of missing children. When travelling within the Union, end-users shall have free of charge access to the visited country's service. The hotline shall be available on the number '116000' ***and be accessible to end users with disabilities by complying with relevant accessibility requirements laid down in Annex I of Directive (EU) 2019/882***.

Or. en

Amendment 462

Proposal for a regulation
Article 106 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Providers of publicly available ***number-based*** interpersonal communications services shall provide end-users access to emergency services through emergency communication, mandated by the Member State. Those emergency communication shall be provided free of charge and without having to use any means of payment, including by using the single European emergency number '112' and	Providers of publicly available interpersonal communications services shall provide end-users access to emergency services through emergency communication, mandated by the Member State. Those emergency communication shall be provided free of charge and without having to use any means of payment, including by using the single European emergency number '112' and

any national emergency number specified by Member States.	any national emergency number specified by Member States.

Or. en

Amendment 463

Proposal for a regulation
Article 106 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
Providers of emergency communication shall ensure that PSAPs can call back end-users originating the emergency communication, or originate an interpersonal communication by using the same interpersonal communications service as the one on which they were contacted, free of charge, and where it is not economically feasible, at a retail price that does not exceed domestic retail price of the provider serving the PSAP.	Providers of emergency communication shall ensure***, for as long as strictly necessary,*** that PSAPs can call back end-users originating the emergency communication, or originate an interpersonal communication by using the same interpersonal communications service as the one on which they were contacted, free of charge, and where it is not economically feasible, at a retail price that does not exceed domestic retail price of the provider serving the PSAP.

Or. en

Amendment 464

Proposal for a regulation
Article 106 – paragraph 1 – subparagraph 3

Text proposed by the Commission	*Amendment*
Member States ***may*** mandate access to emergency services through emergency communication from ***number-independent*** interpersonal communications services ***as long as*** the national PSAP system allows for routing to the most appropriate PSAP and receipt of caller location information.	Member States ***shall*** mandate access to emergency services through emergency communication from interpersonal communications services ***and ensure that*** the national PSAP system allows for routing to the most appropriate PSAP and receipt of caller location information. ***Member States shall ensure that national PSAP systems designate a single IP gateway which can receive emergency communications.***

Or. en

Amendment 465

Proposal for a regulation
Article 106 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission	*Amendment*
	Where the migration to other network technologies, as referred to in Article 5(4), results in the discontinuation of legacy services, providers of public electronic communications networks and publicly available electronic communications services shall directly inform affected end-users of the specific impact of such migration on their ability to access emergency services ('112') using their existing terminal equipment.

Or. en

Amendment 466

Proposal for a regulation
Article 106 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Interpersonal communications service providers and national PSAP systems shall ensure that emergency communication and caller location information are routed without delay to the most appropriate PSAP. National PSAP organisations shall ensure that all emergency communication, including when the single European emergency number '112' is used, are appropriately answered and handled.	4. Interpersonal communications service providers and national PSAP systems shall ensure that emergency communication and ***automatically transmitted contextual data, including*** caller location information are routed without delay to the most appropriate PSAP***, including when emergency communication is provided over satellite networks or network independent services. Providers of satellite communications services shall ensure that end-users can access emergency services by using the single European emergency number '112', free of charge, including in***

	geographic areas where terrestrial network coverage is absent or critically disrupted. National PSAP organisations shall ensure that all emergency communication, including when the single European emergency number '112' is used, are appropriately answered and handled.

Or. en

Amendment 467

Proposal for a regulation
Article 106 – paragraph 5 – subparagraph 1

Text proposed by the Commission	*Amendment*
Providers referred to in paragraph 1 shall ensure that access for end-users with disabilities to emergency services is available through emergency communication and is equivalent to that enjoyed by other end-users***, including*** by complying with Directive (EU) 2019/882.	Providers referred to in paragraph 1 shall ensure that access for end-users with disabilities to emergency services is available through emergency communication and is equivalent to that enjoyed by other end-users by complying with Directive (EU) 2019/882.

Or. en

Amendment 468

Proposal for a regulation
Article 106 – paragraph 5 – subparagraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) emergency communication enables two-way interactive communication between the end-user with disabilities and the PSAP;	(a) emergency communication enables two-way interactive communication between the end-user with disabilities and the PSAP***, including through the availability of relay services 24 hours a day***;

Or. en

Amendment 469

Proposal for a regulation
Article 106 – paragraph 9

Text proposed by the Commission	*Amendment*
9. Member States shall report to the ODN the E.164 numbers to contact Member State's PSAP systems. BEREC assisted by the ODN shall establish and maintain a database of those numbers that Member State's PSAP systems shall use to contact each other from one Member State to another.	9. Member States shall report to the ODN the E.164 numbers ***and single IP gateways*** to contact Member State's PSAP systems. BEREC assisted by the ODN shall establish and maintain a database of those numbers ***and single IP gateways*** that Member State's PSAP systems shall use to contact each other ***and exchange data*** from one Member State to another.

Or. en

Amendment 470

Proposal for a regulation
Article 107 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Providers of mobile number-based interpersonal communications services shall transmit public warnings to the end-users concerned, via the technology mandated by the Member States where they provide the service, in the geographic areas potentially being affected by imminent or developing major emergencies and disasters during the warning period, as determined by the competent authorities.	1. ***Member States shall ensure that when public warning systems regarding imminent or developing major emergencies and disasters are in place, public warnings can be instantaneously transmitted to affected end-users by providers of mobile number-based interpersonal communications services.*** Providers of mobile number-based interpersonal communications services shall transmit public warnings to the end-users concerned, via the technology ***or technologies*** mandated by the Member States where they provide the service, in the geographic areas potentially being affected by imminent or developing major emergencies and disasters during the warning period, as determined by the competent authorities.

Or. en

Amendment 471

Proposal for a regulation
Article 107 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission may adopt implementing acts laying down technical provisions concerning the transmission of public warnings by means of a mobile application coupled with the European Digital Identity Wallets issued under Regulation (EU) 910/2014 to all end-users concerned, including roaming end-users. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(3).	2. The Commission may adopt implementing acts laying down technical provisions concerning the transmission ***and accessibility*** of public warnings by means of a mobile application coupled with the European Digital Identity Wallets issued under Regulation (EU) 910/2014 to all end-users concerned, including roaming end-users. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 199(3).

Or. en

Amendment 472

Proposal for a regulation
Article 107 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that one year after the first implementing act adopted under paragraph ***3*** of this Article, public warnings are also transmitted to all end-users concerned by means of a mobile application coupled with the European Digital Identity Wallets issued pursuant to Regulation (EU) 910/2014.	3. Member States shall ensure that one year after the first implementing act adopted under paragraph ***2*** of this Article, public warnings are also transmitted to all end-users concerned by means of a mobile application coupled with the European Digital Identity Wallets issued pursuant to Regulation (EU) 910/2014.

Or. en

Amendment 473

Proposal for a regulation
Article 108 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Providers of public electronic communications networks, publicly available interpersonal communications ***or internet access*** services shall provide calling line or originating identification.	Providers of public electronic communications networks, publicly available interpersonal communications services shall provide calling line or originating identification.

Or. en

Amendment 474

Proposal for a regulation
Article 110 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Providers of publicly available number-based interpersonal communications services shall deploy state of the art measures to limit, upon the called end-user's request, the reception of, malicious or nuisance calls by providing the following ***possibilities***, free of charge:	1. Providers of publicly available number-based interpersonal communications services shall deploy state of the art measures to limit, upon the called end-user's request, the reception of, malicious or nuisance calls by providing the following ***facilities***, free of charge:

Or. en

Amendment 475

Proposal for a regulation
Article 110 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) to stop automatic call forwarding by a third party to the end-user's terminal equipment.	(b) to stop***, where technically feasible,*** automatic call forwarding by a third party to the end-user's terminal equipment.

Or. en

Amendment 476

Proposal for a regulation
Article 110 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Providers of interpersonal communications services offering automated calling systems shall not prevent the right of the presentation of the calling line or originating identification on the called line ***or*** to the receiving party and shall present the identity or the number on which they can be contacted.	2. Providers of interpersonal communications services offering ***automated calling systems and users of such*** automated calling systems shall not prevent the right of the presentation of the calling line or originating identification on the called line to the receiving party and shall present the identity or the number on which they can be contacted.

Or. en

Amendment 477

Proposal for a regulation
Article 112 a (new)

Text proposed by the Commission	*Amendment*
	Article112a
	Operator-neutral interoperability of end-users terminal equipment
	1. Manufacturers of end-users terminal equipment which is placed on the Union market and capable of connecting to public electronic communications networks shall ensure that such equipment supports the use of standardised network functionalities and technologies, by end-users of all operators authorised within the Union, in accordance with paragraphs (3) and (4) of this Article.
	2. Where the functioning of a standardised network functionality or technology on end-users terminal equipment requires the assignment of a SIM, eSIM or network identifier to a carrier profile, carrier bundle, IMS

profile, APN profile or any other configuration file, manufacturers shall integrate and maintain the relevant IMSI ranges, ICCID ranges, MCC-MNC codes and equivalent identifiers of all requesting operators authorised in a Member State on fair, reasonable, transparent and non-discriminatory terms.

3. Manufacturers shall make available to operators a clear and accessible procedure for the submission, verification, testing and implementation of the identifiers and configuration data referred to in paragraph 2 of this Article.

4. Manufacturers shall implement the configurations referred to in paragraph 3, in a non-discriminatory manner and where a mobile operator submits a complete request, referred to in paragraph 3, within 60 days from receipt of the complete technical information.

5. Operators shall provide manufacturers with the technical information necessary for the implementation, testing and maintenance of the configurations referred to in this Article. Manufacturers and operators shall cooperate in good faith and shall protect confidential information and trade secrets exchanged for that purpose.

6. In the event of a dispute between a manufacturer and an operator concerning the application of this Article, either party may refer the dispute to the national regulatory authority of the Member State in which the operator is authorised or in which the terminal equipment is made available. The national regulatory authority shall issue a binding decision within four months. Where the dispute affects more than one Member State, the national regulatory authorities concerned shall notify BEREC and shall take utmost account of its opinion.

7. By [12 months after the entry into force of this Regulation], BEREC shall, in close

cooperation with the Commission and after consulting stakeholders, issue guidelines on the consistent implementation of this Article, including common technical and procedural requirements for carrier configuration requests, referred to in paragraph 3, including testing, transparency, confidentiality and dispute resolution.

Or. en

Amendment 478

Proposal for a regulation
Article 115 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) handling the notification ***and*** Single Passport procedure ***under*** the general authorisation system***;***	(a) handling the notification ***received through the Platform under the*** Single Passport procedure ***in*** the general authorisation system

Or. en

Amendment 479

Proposal for a regulation
Article 115 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) data gathering, including on resilience and sustainability, that national regulatory authorities may need to carry out their tasks;	(c) data gathering, including on resilience and ***environmental*** sustainability, that national regulatory authorities may need to carry out their tasks;

Or. en

Justification

For sake of clarity.

Amendment 480

Proposal for a regulation
Article 115 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) offering the voluntary conciliation on ecosystem cooperation;	***deleted***

Or. en

Amendment 481

Proposal for a regulation
Article 115 – paragraph 1 – point k

Text proposed by the Commission	*Amendment*
(k) ensuring number portability;	(k) ensuring ***switching and*** number portability;

Or. en

Amendment 482

Proposal for a regulation
Article 115 – paragraph 1 – point n a (new)

Text proposed by the Commission	*Amendment*
	(na) assessing and, where necessary, supervising migration processes referred to in Article 5(4), including measures aimed at ensuring continuity of services and adequate information of affected end-users.

Or. en

Amendment 483

Proposal for a regulation
Article 119 a (new)

Text proposed by the Commission	*Amendment*
	Article 119a
	Evaluation of national regulatory authorities' independence
	The Commission, by [one year after the entry into force of the Regulation] and every three years thereafter, shall publish a report and transmit it to the European Parliament and the Council evaluating the practical implementation of the provisions safeguarding the political independence and regulatory capacity of the national regulatory authorities as referred to in Articles 116, 117, 118 and 119.

Or. en

Amendment 484

Proposal for a regulation
Article 120 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
Where competences under this Regulation or other Union law are assigned by Member States to other competent authorities, national regulatory authorities shall act as national coordinators***, ensuring that the views of the competent authorities are fully taken into account in all of BEREC's discussions and outputs***.	Where competences under this Regulation or other Union law are assigned by Member States to other competent authorities, national regulatory authorities shall act as national coordinators.

Or. en

Amendment 485

Proposal for a regulation
Article 121 – paragraph 4

Text proposed by the Commission	*Amendment*
4. BEREC shall draw upon the expertise available in the national regulatory authorities ***and in the ODN***.	4. BEREC shall draw upon the expertise available in the national regulatory authorities.

Or. en

Amendment 486

Proposal for a regulation
Article 124 – paragraph 1 – point j

Text proposed by the Commission	*Amendment*
(j) ***the elements of the case submitted for a voluntary conciliation procedure***, in accordance with Article 192(2).	(j) ***areas of effective ecosystem cooperation***, in accordance with Article 192(2).

Or. en

Amendment 487

Proposal for a regulation
Article 125 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the notification ***template***, in accordance with Article ***10(3)***;	(c) the notification ***form***, in accordance with Article ***10(1a)***;

Or. en

Amendment 488

Proposal for a regulation
Article 125 – paragraph 1 – point g a (new)

Text proposed by the Commission	*Amendment*
	(ga) implementation of national regulatory authorities obligations referred to in Article 77;

Or. en

Amendment 489

Proposal for a regulation
Article 125 – paragraph 1 – point g b (new)

Text proposed by the Commission	*Amendment*
	(gb) minimum criteria for a reference offer referred to in Article 77a(4);

Or. en

Amendment 490

Proposal for a regulation
Article 125 – paragraph 1 – point h

Text proposed by the Commission	*Amendment*
(h) common approaches to the identification of the network termination point in different network topologies, in accordance with Article 69(6);	(h) common approaches to the identification of the network termination point in different network topologies, ***with a view to promote end-user rights and prevent fragmentation of the internal market for terminal equipment,*** in accordance with Article 69(6);

Or. en

Amendment 491

Proposal for a regulation
Article 125 – paragraph 1 – point j a (new)

Text proposed by the Commission	*Amendment*
	(ja) quality of service parameters referred to in 96a(2)

Or. en

Amendment 492

Proposal for a regulation
Article 125 – paragraph 1 – point l a (new)

Text proposed by the Commission	*Amendment*
	(la) consistent implementation of operator-neutral interoperability of terminal equipment referred to in Article 112a;

Or. en

Amendment 493

Proposal for a regulation
Article 126 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the main practices and findings concerning open internet access in the Union, in accordance with Article 94(3);	***deleted***

Or. en

Amendment 494

Proposal for a regulation
Article 126 – paragraph 1 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) progress towards the single market

for electronic communications referred to in Article 146(2).

Or. en

Amendment 495

Proposal for a regulation
Article 127 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission shall participate in ***all*** deliberations of the Board of Regulators without the right to vote and shall be represented at an appropriately high level.	4. ***The representative of*** the Commission shall participate in deliberations of the Board of Regulators without the right to vote and shall be represented at an appropriately high level. ***The representative of the Commission shall not participate in discussions on BEREC opinions.***

Or. en

Amendment 496

Proposal for a regulation
Article 129 – paragraph 1 – point j

Text proposed by the Commission	*Amendment*
(j) to set up working groups***, in coordination with the ODN,*** and appoint their Chairs in accordance with Article 140;	(j) to set up working groups and appoint their Chairs in accordance with Article 140;

Or. en

Amendment 497

Proposal for a regulation
Article 130 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The BEREC Board of Regulators shall appoint, acting by a two-thirds majority of its members, a Chair and at least ***one Vice-Chair*** from among its members.	1. The BEREC Board of Regulators shall appoint, acting by a two-thirds majority of its members, a Chair and at least ***two Vice-Chairs*** from among its members.

Or. en

Amendment 498

Proposal for a regulation
Article 130 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***The Vice-Chair*** shall assume the duties of the Chair where the latter is not in a position to perform those duties.	2. ***One of the Vice-Chairs*** shall assume the duties of the Chair where the latter is not in a position to perform those duties.

Or. en

Amendment 499

Proposal for a regulation
Article 130 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The term of office of the Chair shall be one year***, renewable once. The rules of procedure shall provide for as much*** continuity ***as possible at the head of the Board***.	3. The term of office of the Chair shall be one year***. In order to ensure*** continuity ***of BEREC's work, the incoming Chair shall serve at least one year as BEREC Vice-Chair before starting her or his term in office as Chair***.

Or. en

Amendment 500

Proposal for a regulation
Article 133 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) identifying radio spectrum bands to be covered by, and practical arrangement of databases in accordance with Article 28(2);	***deleted***

Or. en

Amendment 501

Proposal for a regulation
Article 135 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) to take administrative decisions relating to the internal organisation of the RSPB's work***, without prejudice to the administrative decisions relating to the organisation of the ODN***;	(b) to take administrative decisions relating to the internal organisation of the RSPB's work;

Or. en

Amendment 502

Proposal for a regulation
Article 138 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Chairs of the BEREC Board of Regulators and of the RSPB Board, respectively, may invite any person whose opinion may be of interest to them, to participate in their meetings as an observer.	4. The Chairs of the BEREC Board of Regulators and of the RSPB Board, respectively, may invite any person ***or institution*** whose opinion may be of interest to them, to participate in their meetings as an observer.

Or. en

Amendment 503

Proposal for a regulation
Article 138 – paragraph 7

Text proposed by the Commission	*Amendment*
7. The Commission may request that the participation to discussions relating to sensitive and confidential matters ***and which the Commission considers*** having a strong Union dimension ***is restricted. The Chair, in agreement with the Director of the ODN, may request that the participation to discussions*** relating to resilience or security ***that may be needed to carry out tasks under this Regulation*** is restricted.	7. The Commission ***and the Chair,*** may request that the participation to discussions relating to sensitive and confidential matters having a strong Union dimension ***or*** relating to resilience or security is restricted.

Or. en

Amendment 504

Proposal for a regulation
Article 139 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
The BEREC Board of Regulators and the RSPB Board shall take decisions by ***simple*** majority of their members, unless otherwise provided for in this Regulation.	The BEREC Board of Regulators and the RSPB Board shall take decisions by ***absolute*** majority of their members, unless otherwise provided for in this Regulation.

Or. en

Amendment 505

Proposal for a regulation
Article 140 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Where justified, the BEREC Board of Regulators and the RSPB Board may set	1. Where justified, the BEREC Board of Regulators and the RSPB Board may set

up working groups***, after consulting the ODN,*** to implement their work programmes.	up working groups to implement their work programmes.

Or. en

Amendment 506

Proposal for a regulation
Article 140 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The BEREC Board of Regulators and the RSPB Board shall appoint the Chairs of their respective working groups, representing, as far as possible, different national regulatory authorities**,** members of the RSPB ***and the ODN***.	2. The BEREC Board of Regulators and the RSPB Board shall appoint the Chairs of their respective working groups, representing, as far as possible, different national regulatory authorities ***and*** members of the RSPB.

Or. en

Amendment 507

Proposal for a regulation
Article 140 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The BEREC working groups shall be open to the participation of experts from all the national regulatory authorities. The RSPB working groups shall be open to the participation of all the members of the RSPB. Experts from the ***ODN and the*** Commission shall be entitled to participate to ***all*** working groups. The staff of the ODN shall also contribute to the regulatory work ***of, and provide*** administrative support to**,** the working groups.	3. The BEREC working groups shall be open to the participation of experts from all the national regulatory authorities. The RSPB working groups shall be open to the participation of all the members of the RSPB. Experts from the Commission shall be entitled to participate to working groups. The staff of the ODN shall also contribute to the regulatory work ***by providing*** administrative support to the working groups.

Or. en

Amendment 508

Proposal for a regulation
Article 140 – paragraph 4 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) unless working group chair decides otherwise, the experts from the Commission shall not participate in working group discussions when BEREC opinions addressed to the Commission are discussed;

Or. en

Amendment 509

Proposal for a regulation
Article 140 – paragraph 5 – subparagraph 1

Text proposed by the Commission	*Amendment*
In BEREC working groups which are set up to carry out tasks related to competences attributed at national level to other competent authorities, the experts from other competent authorities notified pursuant to Article 115(3) ***shall*** be invited to participate ***and*** their views ***shall be*** taken into consideration. ***If experts from other competent authorities are unable to attend such meetings, national regulatory authorities shall ensure that the views of those other competent authorities have been taken into account.***	In BEREC working groups which are set up to carry out tasks related to competences attributed at national level to other competent authorities, the experts from other competent authorities notified pursuant to Article 115(3) ***may*** be invited to participate ***so*** their views ***are*** taken into consideration.

Or. en

Amendment 510

Proposal for a regulation
Article 146 – title

Text proposed by the Commission	*Amendment*
Tasks of the ODN	Tasks of the ODN ***in support of BEREC***

Or. en

Amendment 511

Proposal for a regulation
Article 146 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) to ***collect*** data and information from national regulatory and other competent authorities, and to exchange and transmit information in relation to the tasks assigned to BEREC pursuant to Article 103(2) and Articles 122 to 126;	(b) to ***assist BEREC in collecting*** data and information from national regulatory and other competent authorities, and to exchange and transmit information in relation to the tasks assigned to BEREC pursuant to Article 103(2) and Articles 122 to 126;

Or. en

Amendment 512

Proposal for a regulation
Article 146 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) to ***produce***, on the basis of the information referred to in point (b), regular draft reports on specific aspects of developments in the Union electronic communications market, such as roaming and benchmarking reports to be submitted to BEREC;	(c) to ***assist BEREC in producing***, on the basis of the information referred to in point (b), regular draft reports on specific aspects of developments in the Union electronic communications market, such as roaming and benchmarking reports to be submitted to BEREC;

Or. en

Amendment 513

Proposal for a regulation
Article 146 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) to ***disseminate*** regulatory best practices among national regulatory and other competent authorities, in accordance with Article 122(1), point (b);	(d) to ***assist BEREC in disseminating*** regulatory best practices among national regulatory and other competent authorities, in accordance with Article 122(1), point (b);

Or. en

Amendment 514

Proposal for a regulation
Article 146 – paragraph 1 – point i

Text proposed by the Commission	*Amendment*
(i) to assist in setting up working groups, upon the request of the BEREC Board of Regulators, contribute to the regulatory work ***and provide*** administrative support to ensure the smooth functioning of those groups;	(i) to assist in setting up working groups, upon the request of the BEREC Board of Regulators, contribute to the regulatory work ***by providing*** administrative support to ensure the smooth functioning of those groups;

Or. en

Amendment 515

Proposal for a regulation
Article 146 – paragraph 1 – point j

Text proposed by the Commission	*Amendment*
(j) to ***prepare*** the Plan, in accordance with Articles 6 and 7;	(j) to ***assist BEREC in preparing*** the Plan, in accordance with Articles 6 and 7;

Or. en

Amendment 516

Proposal for a regulation
Article 146 – paragraph 1 – point m

Text proposed by the Commission	*Amendment*
(m) to assist the Commission in the strategic planning of numbering resources in the Union and the identification of the potential use of numbering resources for cross border or pan-European services, and in the establishment of a Union numbering plan in accordance with Article 46(2) and (4);	***deleted***

Or. en

Amendment 517

Proposal for a regulation
Article 146 – paragraph 1 – point n

Text proposed by the Commission	*Amendment*
(n) to cooperate with national regulatory authorities on the allocation of numbers and management of the pan-European numbering resources, in accordance with Article 47(3);	***deleted***

Or. en

Amendment 518

Proposal for a regulation
Article 146 – paragraph 1 – point o

Text proposed by the Commission	*Amendment*
(o) to set up the procedure and system for the provision of information, in accordance with Article 47(4);	***deleted***

Or. en

Amendment 519

Proposal for a regulation
Article 146 – paragraph 1 – point q a (new)

Text proposed by the Commission	*Amendment*
	(qa) to convene facility for ecosystem cooperation;

Or. en

Amendment 520

Proposal for a regulation
Article 146 – paragraph 2

Text proposed by the Commission	*Amendment*
2. By [***two*** years after entry into ***application***] and every year thereafter, the ODN, shall ***publish*** a report on the progress towards the single market for electronic communications, describing in particular the state of the market, the market structure, and the impact of the measures implemented under this Regulation on the internal market, including the ex post effects of mergers on the market. Before publication, a draft report shall be submitted to BEREC and the RSPB for approval. Those reports shall be published.	2. By [***four*** years after entry into ***force of this Regulation***] and every year thereafter, the ODN, shall ***support the BEREC in preparing*** a report on the progress towards the single market for electronic communications, describing in particular the state of the market, the market structure, and the impact of the measures implemented under this Regulation on the internal market, including the ex post effects of mergers on the market. Before publication, a draft report shall be submitted to BEREC and the RSPB for approval. Those reports shall be published.

Or. en

Amendment 521

Proposal for a regulation
Article 147 – paragraph 1 – point h

Text proposed by the Commission	*Amendment*
(h) to establish and administer dynamic databases for geolocation and monitoring of radio spectrum usage opportunities in accordance with Article 28;	***deleted***

Or. en

Amendment 522

Proposal for a regulation
Article 150 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
The Management Board shall be composed of ***the persons appointed as*** members of the BEREC Board of Regulators, the Chair of the RSPB Board and of one representative of the Commission. Each member of the Management Board shall have the right to vote.	The Management Board shall be composed of ***9*** members of the BEREC Board of Regulators, the Chair of the RSPB Board***, two members appointed by the European Parliament*** and of one representative of the Commission. Each member of the Management Board shall have the right to vote. ***No Management Board member appointed by the European Parliament shall be a Member of the European Parliament.***

Or. en

Justification

For efficiency reasons, there is no need to replicate 27 person membership of Board of Regulators in the Management Board. 9, with possibility of regular rotation, seems much more reasonable. Instead, to mirror the arrangements of ACER, 2 members appointed by the EP are added.

Amendment 523

Proposal for a regulation
Article 150 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
The alternates of each member shall be the persons appointed as alternates of the members of the BEREC Board of Regulators. The representative of the Commission shall also have an alternate. The alternate of the Chair of the RSPB Board shall be the Vice-Chair of the RSPB Board.	The alternates of each member shall be the persons appointed as alternates of the members of the BEREC Board of Regulators. The ***members appointed by the European Parliament and*** representative of the Commission shall also have an alternate. The alternate of the Chair of the RSPB Board shall be the Vice-Chair of the RSPB Board.

Or. en

Amendment 524

Proposal for a regulation
Article 150 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	The term of office of the members of the Management Board and their alternates, appointed by the European Parliament, shall be four years, renewable once.

Or. en

Amendment 525

Proposal for a regulation
Article 153 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The Chairperson shall convene the meetings of the Management Board.	1. The Chairperson shall convene the meetings of the Management Board ***and shall set the agenda of those meetings***.

Or. en

Amendment 526

Proposal for a regulation
Article 154 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where the Management Board votes on matters related to Delegated Regulation (EU) 2019/715 and the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, the decision shall be subject to a positive vote of the Commission's representative in the Management Board.	***deleted***

Or. en

Justification

Commission veto in this situation doesn't seem necessary. The equivalent provisions in the AMLA Authority Regulation do not contain a similar measure.

Amendment 527

Proposal for a regulation
Article 155 – title

Text proposed by the Commission	*Amendment*
Tasks and responsibilities of the Director	Tasks and responsibilities of the Director ***of the ODN***

Or. en

Amendment 528

Proposal for a regulation
Article 155 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Director shall ***prepare the meetings of the Management Board and*** assist the Chair of the BEREC Board of	2. The Director shall assist the Chair of the BEREC Board of Regulators and the Chair of the RSPB Board, in preparing the

Regulators and the Chair of the RSPB Board, in preparing the meetings of ***their*** respective bodies.	meetings of ***Management Board and*** respective ***BEREC and RSPB*** bodies.

Or. en

Amendment 529

Proposal for a regulation
Article 156 – title

Text proposed by the Commission	*Amendment*
Appointment of the Director	Appointment of the Director ***of the ODN***

Or. en

Amendment 530

Proposal for a regulation
Article 156 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The term of office of the Director shall be five years. In due time, before the end of that period, the Management Board shall carry out an assessment that takes into account an evaluation of the Director's performance and the ODN's tasks and challenges. That assessment shall be submitted to the Commission.	6. The term of office of the Director shall be five years. In due time, before the end of that period, the Management Board shall carry out an assessment that takes into account an evaluation of the Director's performance and the ODN's tasks and challenges. That assessment shall be submitted to the Commission ***and to the European Parliament***.

Or. en

Amendment 531

Proposal for a regulation
Article 156 – paragraph 8

Text proposed by the Commission	*Amendment*
8. The Director may be removed from office only upon a decision of the Management Board acting on a proposal from ***the Commission or at least two third of the members*** of the Management ***Board and subject to the positive opinion of the RSPB*** Board. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Director on the basis of a vote of a two-third majority of its members.	8. The Director may be removed from office only upon a decision of the Management Board acting on a proposal from ***a member*** of the Management Board. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Director on the basis of a vote of a two-third majority of its members.

Or. en

Amendment 532

Proposal for a regulation
Article 158 – paragraph 4

Text proposed by the Commission	*Amendment*
4. On the basis of the draft estimate, the Commission shall enter in the draft general budget of the Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the TFEU.	4. On the basis of the draft estimate, the Commission shall enter in the draft general budget of the Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the TFEU. ***The estimates in the ODN's budget and establishment plan shall be commensurate to the tasks assigned on the basis of Regulation (EU) 2018/1971 and Directive (EU) 2018/1972 to the BEREC Office and BEREC, as well as the new tasks entrusted to the ODN and BEREC by this Regulation. Any new task shall be conferred on the ODN only where accompanied by adequate appropriations and establishment plan posts.***

Or. en

Amendment 533

Proposal for a regulation
Article 159 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) any fee paid by undertakings for obtaining and maintaining Union satellite authorisations to be set out by way of Commission implementing act referred to in Article 39(4), ***fees for rights of use for pan-European numbering resources to be set out by way of Commission implementing act referred to in Article 46(4),*** charges for publications and any other service provided by the ODN;	(b) any fee paid by undertakings for obtaining and maintaining Union satellite authorisations to be set out by way of Commission implementing act referred to in Article 39(4), charges for publications and any other service provided by the ODN;

Or. en

Amendment 534

Proposal for a regulation
Article 182 – paragraph 1

Text proposed by the Commission	*Amendment*
1. For the purpose of harmonising information and reporting requests to undertakings under Article 181(1), (3) and (7), and in accordance with Articles 3(2), point (c) and Article 202, by [12 months after the date of entry into force of this Regulation], BEREC shall, in close cooperation with the Commission, issue guidelines concerning relevant topics, including on the scope, timing, frequency and format of the information and reporting requests and the information collection procedures. The guidelines shall also include templates for requests for information and reporting.	1. For the purpose of harmonising information and reporting requests to undertakings under Article 181(1), (3) and (7), and in accordance with Articles 3(2), point (c) and Article 202, by [12 months after the date of entry into force of this Regulation], BEREC shall, in close cooperation with the Commission, issue guidelines concerning relevant topics, including on the scope, timing, frequency and format of the information and reporting requests and the information collection procedures. The guidelines shall also include templates for requests for information and reporting. ***BEREC shall review and, where appropriate, update those guidelines every three years, taking into account market, regulatory and***

policy developments and the need to reduce administrative burden.

Or. en

Amendment 535

Proposal for a regulation
Article 182 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***Where*** information on sustainability referred to in Article 3(1), point (g) ***is*** collected***, national regulatory and other competent authorities shall first access*** the information provided by undertakings pursuant to other relevant Union legislation***. If national regulatory and other competent authorities conclude that this information*** is insufficient for the completion of the tasks set out by this Regulation***, BEREC may update the guidelines referred to in paragraph 1 of this Article by providing for the collection of the additional data needed***.	4. Information on ***environmental*** sustainability referred to in Article 3(1), point (g) ***shall be*** collected ***only in the event when*** the information provided by undertakings pursuant to other relevant Union legislation is insufficient for the completion of the tasks set out by this Regulation.

Or. en

Amendment 536

Proposal for a regulation
Article 183 – paragraph 1

Text proposed by the Commission	*Amendment*
1. National regulatory or other competent authorities shall conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband services ('broadband networks') by [12 months after the date of entry into force of this Regulation] and shall update it ***at least*** every three years thereafter.	1. National regulatory or other competent authorities shall conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband services ('broadband networks') by [12 months after the date of entry into force of this Regulation] and shall update it***, if needed,*** every three years thereafter. ***National***

regulatory or other competent authorities shall adhere to the principle of data minimisation, ensuring that any data collection is limited to what is strictly necessary.

Or. en

Amendment 537

Proposal for a regulation
Article 183 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The geographical survey shall include a forecast for a period determined by the relevant authority of the reach of broadband networks within its territory, including at least premises passed and, where relevant premises connected by ***gigabit*** networks. The geographical survey shall contribute to the mapping required for the application of State aid rules, if the relevant requirements are fulfilled.	3. The geographical survey shall include a forecast for a period determined by the relevant authority of the reach of broadband networks within its territory, including at least premises passed and, where relevant premises connected by ***very high capacity*** networks. The geographical survey shall contribute to the mapping required for the application of State aid rules, if the relevant requirements are fulfilled. ***National regulatory or other competent authorities that conduct a forecast shall adhere to the principle of data minimisation, ensuring that any data collection is limited to what is strictly necessary.***

Or. en

Amendment 538

Proposal for a regulation
Article 183 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The forecast referred to in paragraph 3 shall include ***all relevant*** information, including ***information*** on planned deployments by any undertaking	4. The forecast referred to in paragraph 3 shall include information, including on planned deployments by any undertaking or public authority, of at least

or public authority, of at least ***gigabit*** networks. For this purpose, national regulatory or other competent authorities shall request undertakings and public authorities to provide such information to the extent that it is available and can be provided with reasonable effort.	***resilient very high capacity*** networks. For this purpose, national regulatory or other competent authorities shall request undertakings and public authorities to provide such information to the extent that it is available and can be provided with reasonable effort.

Or. en

Amendment 539

Proposal for a regulation
Article 183 – paragraph 7

Text proposed by the Commission	*Amendment*
7. National regulatory or other competent authorities may designate an area with clear territorial boundaries where, on the basis of the information gathered and any forecast prepared pursuant to paragraph 1, it is determined that, for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a ***gigabit*** network or significantly upgrade their existing electronic communications network to a ***gigabit*** network. National regulatory or other competent authorities shall publish the designated areas**.**	7. National regulatory or other competent authorities may designate an area with clear territorial boundaries where, on the basis of the information gathered and any forecast prepared pursuant to paragraph 1, it is determined that, for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a ***very high capacity*** network or significantly upgrade their existing electronic communications network to a ***very high capacity*** network. National regulatory or other competent authorities shall publish the designated areas

Or. en

Amendment 540

Proposal for a regulation
Article 183 – paragraph 8

Text proposed by the Commission	*Amendment*
8. Within a designated area, the relevant authorities may invite undertakings and public authorities to	8. Within a designated area, the relevant authorities may invite undertakings and public authorities to

declare their intention to deploy ***gigabit*** networks over the duration of the relevant forecast period. Where this invitation results in a declaration by an undertaking or public authority of its intention to do so, the relevant authority may require other undertakings and public authorities to declare any intention to deploy ***gigabit*** networks. The relevant authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as that taken into consideration in any forecast pursuant to paragraph 1.	declare their intention to deploy ***very high capacity*** networks over the duration of the relevant forecast period. Where this invitation results in a declaration by an undertaking or public authority of its intention to do so, the relevant authority may require other undertakings and public authorities to declare any intention to deploy ***very high capacity*** networks. The relevant authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as that taken into consideration in any forecast pursuant to paragraph 1.

Or. en

Amendment 541

Proposal for a regulation
Article 183 – paragraph 12

Text proposed by the Commission	*Amendment*
12. The national regulatory authority shall analyse the results of information gathered in the context of a geographical survey under this Article and decide whether there is a need to conduct a market review within the meaning of Articles 72 and 73. The national regulatory authority shall make publicly available the results of such analysis in a form of a report.	***deleted***

Or. en

Amendment 542

Proposal for a regulation
Article 183 – paragraph 13

Text proposed by the Commission	*Amendment*
13. In the period of the transition to fibre, the report referred to in paragraph 12 of this Article shall include the analysis of the information concerning geographic surveys as well as the analysis of information, gathered pursuant to Article 181 or other available sources, regarding prices and quality of services available over copper and fibre prices. The report shall be used to assess the sustainability conditions set in Article 57. The first report shall be published no later than [12 months after the date of entry into force of this Regulation].	***deleted***

Or. en

Amendment 543

Proposal for a regulation
Article 188 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The national regulatory authority or another competent authority responsible for, or at least one independent body with proven expertise in, the application of Articles 95, 96, 97, 98 and 100 of this Regulation shall be listed as an alternative dispute resolution entity in accordance with Article 20(2) of Directive 2013/11/EU with a view to resolving disputes between providers and consumers, as well as, where applicable and within the mandate of the relevant body, microenterprises and ***small enterprises***, arising under this Regulation and relating to the performance of contracts.	1. The national regulatory authority or another competent authority responsible for, or at least one independent body with proven expertise in, the application of Articles 95, 96, 97, 98 and 100 of this Regulation shall be listed as an alternative dispute resolution entity in accordance with Article 20(2) of Directive 2013/11/EU with a view to resolving disputes between providers and consumers, as well as, where applicable and within the mandate of the relevant body, microenterprises and ***not-for-profit organisations***, arising under this Regulation and relating to the performance of contracts.

Or. en

Amendment 544

Proposal for a regulation
Article 188 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Providers of internet access services shall put in place transparent, simple and efficient procedures to address complaints of end-users relating to the rights and obligations laid down in ***Article 93*** and complaints of consumers, microenterprises and not-for-profit organisations relating to the rights laid down in Section 5 of Annex III.	3. Providers of internet access ***services and of publicly available interpersonal communications*** services shall put in place transparent, simple and efficient procedures to address complaints of end-users relating to the rights and obligations laid down in ***Articles 93, 95-98, and 100*** and complaints of consumers, microenterprises and not-for-profit organisations relating to the rights laid down in Section 5 of Annex III.

Or. en

Amendment 545

Proposal for a regulation
Article 189 – paragraph 1

Text proposed by the Commission	*Amendment*
1. In the event of a dispute arising in connection with existing obligations under this Regulation between providers of public electronic communications networks or services in a Member State, or between such undertakings and other undertakings in the Member State benefiting from obligations of access or interconnection or between providers of electronic communications networks or services in a Member State and providers of associated facilities, the national regulatory authority concerned shall, at the request of either party, issue a binding decision to resolve the dispute in the shortest possible time-frame on the basis of clear and efficient procedures, and in any case within four months except in exceptional circumstances. All parties shall cooperate	1. In the event of a dispute arising in connection with existing obligations under this Regulation between providers of public electronic communications networks or services in a Member State, or between such undertakings and other undertakings in the Member State benefiting from obligations of access or interconnection or between providers of electronic communications networks or services in a Member State and providers of associated facilities ***or between operators and significant traffic providers referred to in Article 66(1a)***, the national regulatory authority concerned shall, at the request of either party, issue a binding decision to resolve the dispute in the shortest possible time-frame on the basis of clear and efficient procedures, and in any case within

fully with the national regulatory authority.	four months except in exceptional circumstances. All parties shall cooperate fully with the national regulatory authority.

Or. en

Amendment 546

Proposal for a regulation
Article 191 – paragraph 1

Text proposed by the Commission	*Amendment*
1. By [12 months after date of entry into force of this Regulation], BEREC shall, after consulting stakeholders and in close cooperation with the Commission, publish guidelines to assist providers of electronic communications networks ***and*** other undertakings active in the electronic communications or closely related sectors**,** in the application of industry practices and in facilitating cooperation on technical and commercial matters related to the provision of electronic communications services or information society services in an efficient, economically sustainable and reliable way, as well as related to the provision of innovative products and services, to the benefit of end-users. Such guidelines shall cover matters outside of the scope of obligations under this Regulation which have an effect on the provision of electronic communications services or information society services.	1. By [12 months after date of entry into force of this Regulation], BEREC shall, after consulting stakeholders and in close cooperation with the Commission, publish guidelines to assist providers of electronic communications networks**,** other undertakings active in the electronic communications or closely related sectors ***and manufacturers of terminal equipment*** in the application of industry practices and in facilitating cooperation on technical and commercial matters related to the provision of electronic communications services or information society services in an efficient, economically sustainable and reliable way, as well as related to the provision of innovative products and services, to the benefit of end-users. Such guidelines shall cover matters outside of the scope of obligations under this Regulation which have an effect on the provision of electronic communications services or information society services.

Or. en

Amendment 547

Proposal for a regulation
Article 192 – title

Text proposed by the Commission	*Amendment*
Facility for ***voluntary conciliation***	Facility for ***ecosystem cooperation***

Or. en

Amendment 548

Proposal for a regulation
Article 192 – paragraph 1

Text proposed by the Commission	*Amendment*
1. On request of providers of electronic communications networks or other undertakings active in the electronic communications or closely related sectors, ***national regulatory authorities*** shall offer a ***conciliatory meeting*** between ***two*** providers of electronic communications networks ***or between such a provider and another undertaking*** active in the electronic communications or closely related sectors on technical and commercial ***arrangements which are subject to*** the guidelines referred to in Article 191(1)***. The conciliatory meeting*** shall be convened by the ***national regulatory authority of the party lodging the request for conciliation unless agreed otherwise by the parties***.	1. ***BEREC, on its own initiative or*** on request of providers of electronic communications networks or other undertakings active in the electronic communications or closely related sectors, shall offer a ***facility for ecosystem cooperation*** between providers of electronic communications networks***, other undertakings*** active in the electronic communications or closely related sectors ***and manufacturers of terminal equipment*** on technical and commercial ***cooperation, in line with*** the guidelines referred to in Article 191(1)***, with the aim to support general objectives referred to in Article 3. The facility for ecosystem cooperation*** shall be convened by the ***ODN***.

Or. en

Amendment 549

Proposal for a regulation
Article 192 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***Within 1 week following the request for voluntary conciliation, the national regulatory authority shall inform***	2. ***Once every 12*** months, BEREC shall issue an opinion on ***areas of*** effective cooperation in accordance with the

BEREC of the elements of the case. Within two months ***following the request***, BEREC shall issue an opinion on ***the elements of the case and options for*** effective cooperation in accordance with the guidelines referred to in Article 191.	guidelines referred to in Article 191 ***and, if appropriate, its recommendations for possible next steps***.

Or. en

Amendment 550

Proposal for a regulation
Article 192 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In cooperation with BEREC, the national regulatory authority specified in paragraph 1 of this Article shall convene the meeting of the parties no later than three months after the submission of the request for the facility for voluntary conciliation. No later than one month after the meeting, taking account of the BEREC opinion, the national regulatory authority shall provide a written account of the meeting, including the following information:	***deleted***
(a) views of the parties involved;	
(b) possible next steps;	
(c) elements of agreement, where applicable and if both parties were present in the meeting;	
(d) options proposed by the national regulatory authority for effective cooperation, if both parties were present in the meeting and no agreement was reached.	

Or. en

Amendment 551

Proposal for a regulation
Article 193

Text proposed by the Commission	*Amendment*
Article 193	***deleted***
Reporting on and review of the functioning of ecosystem cooperation	
By [24 months after the date of application of this Regulation and every two years thereafter], BEREC shall publish a report on the effects of the application of the guidelines referred to in Article 191(1) on effective ecosystem cooperation as well as on the functioning of the facility for voluntary conciliation referred to in Article 192.	
By [36 months after the date of application of this Regulation], taking account of BEREC report referred to in paragraph 1, the Commission shall review the functioning of the ecosystem cooperation.	

Or. en

Amendment 552

Proposal for a regulation
Article 196 – paragraph 10

Text proposed by the Commission	*Amendment*
10. At the request of the competent authority designated pursuant to the Cybersecurity Act which is to replace Regulation (EU) 2019/881 of the European Parliament and of the Council after non-compliance remedial measures under the Cybersecurity Act have been exhausted, the national regulatory authority where networks and services are provided shall withdraw the right to provide networks and services under	***deleted***

general authorisation or individual rights of use of radio spectrum pursuant to Article 9(4), point d) and Article 20 in cases where the provider is not complying with the ICT supply chain security requirements of the Cybersecurity Act.

Or. en

Justification

Many elements in this provision (legal act, measure, authority designated) are non existant, at least yet. NRAs have general obligations within article 196 to supervise compliance with general authorisation obligations referred to article 9(4) and also article 20. And there is also a process well described in particular in 196(4). Therefore this provision is not necessary.

Amendment 553

Proposal for a regulation
Article 198 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The power to adopt delegated acts referred to in Article ***22(3)***, Article 39(4)***,*** point (f), Article ***82(1)***, Article 103(5), Article 106(8) and Article 114 shall be conferred on the Commission for a period of five years from [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article ***17(1), Article 22a(2), Article 29(2), Article 29(3) fourth subparagraph, Article 38(3) first subparagraph***, Article 39(4) point (f), Article ***81(4), Article 82, Article 89(1), Article 93(6) first subparagraph***, Article 103(5), Article 106(8) and Article 114 shall be conferred on the Commission for a period of five years from [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. en

Amendment 554

Proposal for a regulation
Article 198 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The delegation of power referred to in Article ***22(3)***, Article ***82(1)***, Article 103(5), Article 106(8) and Article 114 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.	3. The delegation of power referred to in Article ***17(1)***, Article ***22a(2), Article 29(2), Article 29(3) fourth subparagraph, Article 38(3) first subparagraph, Article 39(4) point (f), Article 81(4), Article 82, Article 89(1), Article 93(6) first subparagraph***, Article 103(5), Article 106(8) and Article 114 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.

Or. en

Amendment 555

Proposal for a regulation
Article 198 – paragraph 6

Text proposed by the Commission	*Amendment*
6. A delegated act adopted pursuant to Article ***22(3)***, Article ***82(1)***, Article 103(5), Article 106(8) and Article 114 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the	6. A delegated act adopted pursuant to Article ***17(1)***, Article ***22a(2), Article 29(2), Article 29(3) fourth subparagraph, Article 38(3) first subparagraph, Article 39(4) point (f), Article 81(4), Article 82, Article 89(1), Article 93(6) first subparagraph***, Article 103(5), Article 106(8) and Article 114 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of

Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 556

Proposal for a regulation
Article 199 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the implementing acts referred to in ***Article 14(8), 17(3) and 45(3)*** of this Regulation the Commission shall be assisted by the Radio Spectrum Committee established by Article 3(1) of Decision No 676/2002/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	2. For the implementing acts referred to in ***Titles I and II of Part IV*** of this Regulation the Commission shall be assisted by the Radio Spectrum Committee established by Article 3(1) of Decision No 676/2002/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Or. en

Amendment 557

Proposal for a regulation
Article 201 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. Not later than three months before the date of application of this Regulation, each Member State shall publish an implementation notice containing:
	(a) a list of the national provisions repealed or rendered inapplicable by this Regulation;
	(b) a list of the national provisions that

remain applicable following the date of application of this Regulation;

(c) an identification of the contractual rights and obligations of end-users and providers of electronic communications services whose content, scope or exercise is affected by the application of this Regulation.

Or. en

Amendment 558

Proposal for a regulation
Article 206 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	References to those Articles shall be construed as references to the relevant provisons of this Regulation

Or. en

Amendment 559

Proposal for a regulation
Article 206 a (new)
Regulation (EU) 2022/612
Article 3 – paragraph 6

Present text	*Amendment*
	Article206a
	subparagraphs 2-5 of paragraph 6 are amended as follows:
That reference offer may include conditions to prevent ***permanent roaming or*** anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are ***periodically*** travelling within the Union. Where specified in a reference	"That reference offer may include conditions to prevent anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are travelling within the Union. Where specified in a reference offer, such

offer, such conditions shall include the specific measures that the visited network operator may take to prevent ***permanent roaming or*** anomalous or abusive use of wholesale roaming access as well as the objective criteria on the basis of which such measures may be taken. Such criteria may refer to aggregate roaming traffic information. They shall not refer to specific information relating to individual traffic of the roaming provider's customers.

conditions shall include the specific measures that the visited network operator may take to prevent anomalous or abusive use of wholesale roaming access as well as the objective criteria on the basis of which such measures may be taken. Such criteria may refer to aggregate roaming traffic information. They shall not refer to specific information relating to individual traffic of the roaming provider's customers. The reference offer may, inter alia, provide that where the visited network operator has reasonable grounds for considering that anomalous or abusive use of wholesale roaming access is taking place, the visited network operator may require the roaming provider to provide, without prejudice to Union and national data protection requirements, information allowing the determination of whether there is anomalous or abusive use of wholesale roaming access on the network of the visited operator, such as information on the share of customers for which a risk of anomalous or abusive use of regulated retail roaming services provided at the applicable domestic retail price has been established on the basis of objective indicators in accordance with the implementing acts on the application of fair use policies adopted pursuant to Article 7. The reference offer may, as a last resort, where less stringent measures have failed to address the situation, provide for the possibility to terminate a wholesale roaming agreement where the visited network operator has established that, based on objective criteria, anomalous or abusive use of wholesale roaming access is taking place, and has informed the home network operator accordingly. The visited network operator may terminate the wholesale roaming agreement unilaterally on grounds of anomalous or abusive use of wholesale roaming access only upon prior authorisation of the visited network operator's national regulatory authority.

The reference offer may, inter alia, provide

"

that where the visited network operator has reasonable grounds for considering that ***permanent roaming by a significant share of the roaming provider's customers or*** anomalous or abusive use of wholesale roaming access is taking place, the visited network operator may require the roaming provider to provide, without prejudice to Union and national data protection requirements, information allowing the determination of ***whether a significant share of the roaming provider's customers is in a situation of permanent roaming or*** whether there is anomalous or abusive use of wholesale roaming access on the network of the visited operator, such as information on the share of customers for which a risk of anomalous or abusive use of regulated retail roaming services provided at the applicable domestic retail price has been established on the basis of objective indicators in accordance with the implementing acts on the application of fair use policies adopted pursuant to Article 7.

The reference offer may, as a last resort, where less stringent measures have failed to address the situation, provide for the possibility to terminate a wholesale roaming agreement where the visited network operator has established that, based on objective criteria, ***permanent roaming by a significant share of the roaming provider's customers or*** anomalous or abusive use of wholesale roaming access is taking place, and has informed the home network operator accordingly.

The visited network operator may terminate the wholesale roaming agreement unilaterally on grounds of ***permanent roaming or*** anomalous or abusive use of wholesale roaming access only upon prior authorisation of the visited network operator's national regulatory authority.

Or. en

(32022R0612)

Amendment 560

Proposal for a regulation
Article 206 b (new)
Regulation (EU) 2022/612
Article 3 – paragraph 6

Present text	*Amendment*
	Article 206b
	subparagraph 11 of paragraph 6 is replaced by the following:
If necessary, national regulatory authorities shall impose changes to reference offers, including as regards the specific measures that the visited network operator may take to prevent ***permanent roaming or*** anomalous or abusive use of wholesale roaming access, and the objective criteria on the basis of which the visited network operator may take such measures, to give effect to obligations laid down in this Article.	"If necessary, national regulatory authorities shall impose changes to reference offers, including as regards the specific measures that the visited network operator may take to prevent anomalous or abusive use of wholesale roaming access, and the objective criteria on the basis of which the visited network operator may take such measures, to give effect to obligations laid down in this Article. *"*

Or. en

(32022R0612)

Amendment 561

Proposal for a regulation
Article 206 c (new)
Regulation (EU) 2022/612
Article 11 – paragraph 1

Present text	*Amendment*
	Article 206c
	paragraph 1 is replaced by the following:
The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of	"The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of

regulated data roaming services by means of the visited network shall not exceed a safeguard limit of EUR ***2,00*** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR ***1,80*** per gigabyte of data transmitted on 1 January ***2023***, to EUR ***1,55*** per gigabyte on 1 January ***2024, to EUR 1,30 per gigabyte on 1 January 2025, to EUR 1,10 per gigabyte on 1 January 2026 and to EUR 1,00 per gigabyte by 1 January 2027***, after which, without prejudice to Article 21, it shall remain at EUR ***1,00*** per gigabyte of data transmitted until 30 June ***2032***.	regulated data roaming services by means of the visited network shall not exceed a safeguard limit of EUR ***0,65*** per gigabyte of data transmitted. That maximum wholesale charge shall decrease to EUR ***0,50*** per gigabyte of data transmitted on 1 January ***2030***, to EUR ***0,40*** per gigabyte on 1 January ***2031***, after which, without prejudice to Article 21, it shall remain at EUR ***0,40*** per gigabyte of data transmitted until 30 June ***2037***.
	"

Or. en

(32022R0612)

Justification

The wholesale caps set by Regulation (EU) 2022/612 no longer reflect market reality. According to BEREC data, the average EEA wholesale data roaming price was EUR 0.57/GB in Q3 2025, less than half of the EUR 1.30/GB cap then in force and well above the lowest prices paid and charged, which ranged between EUR 0.03 and 0.04/GB in the same period. The cap nevertheless remains decisive for operators with weak bargaining power: BEREC observes that MVNO wholesale rates tend to remain close to the regulated caps. Following the approach of the ITRE report of 14 October 2021, which called for significantly lower wholesale caps than those finally adopted, this amendment brings the caps in line with market developments. The gradual glide path to 2030 gives operators time to adapt, as unit costs continue to fall with growing traffic volumes. Spectrum is a scarce resource held by a few mobile network operators in each Member State. Other providers can compete only by using someone else's network: domestic MVNOs through wholesale access, and operators from other Member States through roaming. Bringing wholesale roaming charges closer to domestic wholesale access prices puts both on a more equal footing. It allows providers to compete for customers across borders and creates competitive pressure in national markets where retail prices are high, strengthening the single market. Consumers benefit directly. The wholesale cap limits the surcharge that providers may apply when consumption abroad exceeds the fair-use limit. It is also the reference for calculating the minimum data volume that consumers with open data bundles can use when roaming. Lower caps therefore mean lower charges and larger roaming data allowances for frequent travellers, cross-border commuters, students and business users. They also allow smaller operators and MVNOs to offer "roam like at home" sustainably.

Amendment 562

Proposal for a regulation
Article 206 d (new)
Regulation (EU) 2022/612
Article 11 – paragraph 2

Present text	*Amendment*
	Article 206d
	paragraph 2 is replaced by the following:
The average wholesale charge referred to in paragraph 1 shall apply between any pair of operators and shall be calculated over a 12-month period or any shorter period as may remain before the end of the period of application of a maximum average wholesale charge, as provided for in paragraph 1 or before 30 June ***2032***.	"The average wholesale charge referred to in paragraph 1 shall apply between any pair of operators and shall be calculated over a 12-month period or any shorter period as may remain before the end of the period of application of a maximum average wholesale charge, as provided for in paragraph 1 or before 30 June ***2037***. ***"***

Or. en

(32022R0612)

Amendment 563

Proposal for a regulation
Article 206 e (new)
Regulation (EU) 2022/612
Article 21 – paragraph 2

Present text	*Amendment*
	Article 206e
	subparagraph 3 of paragraph 2 is amended as follows:
BEREC shall also collect data on the wholesale roaming agreements not subject to the maximum wholesale roaming charges provided for in Article 9, 10 or 11 and on the implementation of contractual measures at wholesale level aiming to prevent ***permanent roaming or*** anomalous or abusive use of wholesale roaming access for purposes other than the provision of	"BEREC shall also collect data on the wholesale roaming agreements not subject to the maximum wholesale roaming charges provided for in Article 9, 10 or 11 and on the implementation of contractual measures at wholesale level aiming to prevent anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated

regulated roaming services to roaming providers' customers while the latter are ***periodically*** travelling within the Union.	roaming services to roaming providers' customers while the latter are travelling within the Union. *"*

Or. en

(32022R0612)

Amendment 564

Proposal for a regulation
Article 210 – paragraph 3 – point a – paragraph 2

Text proposed by the Commission	*Amendment*
National competent authorities with assigned general authorisation competences under Directive (EU) 2018/1972 shall continue to exercise their functions at the latest until [***6*** months after the date of entry into force of this Regulation].	National competent authorities with assigned general authorisation competences under Directive (EU) 2018/1972 shall continue to exercise their functions at the latest until [***12*** months after the date of entry into force of this Regulation].

Or. en

Amendment 565

Proposal for a regulation
Article 210 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. With the effect from the date of application of this Regulation, Member States shall repeal any national provisions that are inconsistent with this Regulation.

Or. en

EXPLANATORY STATEMENT

I. Introduction and summary

For more than two decades, from the 2002 regulatory package to the 2018 European Electronic Communications Code, the Union has set the framework for electronic communications through directives. Each Member State transposed and applied them in its own way. The framework was European, but in practice the Union regulated 27 domestic markets. Telecom operators were regulated in detail, country by country, while the companies that increasingly shape how Europeans communicate, from messaging platforms and operating systems to device manufacturers and the largest content and cloud networks, operated on a global scale and were largely outside that framework. The consequences are well documented, most recently in the Draghi report: fragmented national markets, operators too small to invest at the scale needed, a persistent investment gap in fibre, 5G and edge computing, and growing dependence on non-European technology and gatekeepers.

Fragmentation is not the only reason why the framework must change. The networks themselves are changing. As the Commission's 2024 White Paper *How to master Europe's digital infrastructure needs?* showed, connectivity and computing are converging. Network functions are becoming virtualised, software-defined and cloud-native, and are moving to the edge. Cloud and content providers build and operate their own global networks, from content delivery networks to submarine cables. The "Connected Collaborative Computing" network envisaged by the White Paper blurs the line between those who provide connectivity and those who provide digital services. Electronic communications networks, cloud and edge infrastructure are becoming one continuum of digital networks, on which artificial intelligence, industrial applications and public services increasingly depend.

The same convergence is now taking place between space and terrestrial mobile networks. Direct-to-device technology allows ordinary smartphones to connect to satellites in low Earth orbit, using spectrum and standards shared with terrestrial networks. Since 2025, a global satellite operator has acquired large amounts of mobile spectrum to offer mobile satellite services directly to consumers. In May 2026, the Commission proposed an EU-level selection procedure for the 2 GHz mobile satellite band. Satellite and terrestrial mobile connectivity are becoming complementary layers of one network, competing for the same customers and the same scarce spectrum. But this convergence extends further to the whole digital ecosystem, in particular cloud, AI and computing. Geopolitics enters into play and impacts commercial strategies and choices. European players have to face numerous challenges that are global.

Therefore, this convergence calls for a different regulatory approach. Rules designed for separate, national and technology-specific networks cannot govern an integrated, cross-border ecosystem of digital networks. The Rapporteur therefore welcomes the Commission's choice of a directly applicable regulation and believes that the Digital Networks Act (DNA) should become the **framework for digital networks** as a whole: technology-neutral, based on the same rules for the same services, and European.

The draft report sets out how to rebalance the ecosystem. It builds the DNA on three drivers of **competitiveness**: investment, simplification and harmonisation. It adds what Europe has learned it cannot do without: **digital sovereignty**, built on interoperability, a level playing field and "same service, same rules", and **resilience** of the networks on which the economy, security and citizens depend. Last but not least, it puts **citizens** at the centre: easier access to emergency services, instant public warnings, full accessibility and better protection against fraud.

In short, the Rapporteur proposes to turn the DNA from a reform of telecom-sector rules into a European strategy for the whole connectivity ecosystem. Investment-friendly spectrum, fibre and access rules, simpler procedures and a genuine single market drive competitiveness. The same rules for the same services and interoperability underpin digital sovereignty. A European preparedness plan backed by investment, the defence of European airwaves and space assets, and emergency access that never fails make networks resilient. Every citizen gains: accessible services, an emergency number that works from any application and any place, instant warnings, cheaper roaming and better protection against fraud.

1. Digital sovereignty for competitiveness and resilience

The Rapporteur considers that Union must set the terms for the whole European digital connectivity ecosystem, not only for telecom operators.

A general authorisation that covers the digital ecosystem

In line with the principle of "same service, same rules" advocated in the Draghi report, the Rapporteur proposes that number-independent interpersonal communications services should be brought within the general authorisation regime and that access to emergency services via those services should become mandatory. Content delivery networks and submarine communication cables should be explicitly recognised as electronic communications networks. This would bring strategic infrastructure in Europe, much of it owned by non-European players, within the scope of European rules.

A level playing field with the largest players

On the relationship between network operators and the largest content and application providers, the Rapporteur proposes a targeted solution. Only undertakings that originate or deliver at least 2% of peak downstream traffic in the Union should be covered. They should be subject to an obligation to negotiate interconnection (as public network operators do with one another), backed by dispute resolution by national regulatory authorities. All other providers should be explicitly excluded. Smaller content providers, start-ups and end-users would not be affected, which addresses the net neutrality concerns raised in earlier debates on "fair share".

Recognising that content delivery also depends on functions performed by actors other than internet service providers, the Rapporteur proposes to extend open internet obligations. Content and application providers, providers of artificial intelligence and operating systems,

and content delivery networks should refrain from practices that compromise the equal treatment of traffic where they are able to influence traffic management or delivery quality. The Rapporteur also proposes to replace the voluntary conciliation mechanism proposed by the Commission, which was aimed at solving commercial disputes, with a standing facility for ecosystem cooperation, convened by the ODN. It would provide a forum for structured dialogue focused on constructive cooperation between network operators, content providers and device manufacturers, with an annual BEREC opinion on areas for this cooperation.

Interoperability

The Rapporteur proposes a new provision on operator-neutral terminal equipment, under which manufacturers should support standardised network functionalities for the customers of every operator authorised in the Union. BEREC should also review and, where appropriate, update its guidance on the network termination point, with a view to protecting end-users' free choice of terminal equipment ("router freedom") and preventing fragmentation of that market.

Sovereignty in spectrum and space

Given the convergence of satellite and terrestrial connectivity, the Rapporteur proposes that a portion of each newly harmonised band for wireless broadband could be awarded at Union level, through a selection procedure, to operators meeting strict resilience and sovereignty criteria. The selected operators would hold one authorisation valid throughout the Union and be subject to a wholesale access obligation. European ITU satellite filings should be jointly defended, with action against speculative or abusive filings and Commission approval for transfers linked to harmonised spectrum.

2. Competitiveness: investment, simplification and harmonisation

For the Rapporteur, competitiveness is not a slogan. It means more private investment in networks, less red tape for operators of every size, and one European market instead of 27. The Draghi report identified fragmentation, underinvestment and regulatory complexity as the core weaknesses of the European connectivity sector. The draft report answers with three mutually reinforcing levers. The Rapporteur proposes to extend the objectives of the Regulation to the competitiveness of the overall European economy and to add a new general principle - to avoid unnecessary regulatory, administrative or financial burdens on undertakings.

2.1. Investment

The Rapporteur aims to make spectrum an investment asset rather than a source of revenue for public budgets.

Spectrum rights. The Rapporteur supports the Commission's proposal that rights of use for spectrum should, in principle, be granted for an unlimited duration. Their review, which the Commission proposes no earlier than 20 years after award, should be accompanied by a market analysis and take place every 15 years thereafter. Where a limited duration is chosen,

the minimum should rise from 40 to 50 years, renewal should be automatic and for an indefinite period upon request, and any decision not to renew should be taken at least three years in advance.

Fees. The Rapporteur proposes that coverage and densification commitments should take priority over one-off payments. One-off fees should be allowed only where the authority demonstrates that they serve efficient use and do not hinder investment, and the total level of fees should never become a burden that delays deployment. The common European methodologies for annual fees and reserve prices, proposed by the Commission as recommendations, should become binding delegated acts, and the Commission should be able to set maximum fees or reserve prices where national application still discourages investment.

Award procedures. To give legal certainty, the Commission should be able to require the withdrawal of a national spectrum measure only in case of a serious violation, and it should identify and recommend the most pro-investment authorisation processes. Harmonised bands should be authorised within 18 months instead of 24 months as proposed by the Commission. A new densification principle should encourage small cells, with at least half of their cost offset through lower spectrum fees.

Fibre deployment, together with people. The Rapporteur supports the copper switch-off and the sustainability conditions proposed by the Commission, but replaces the fixed 2035 deadline with a clear, enforceable sequence that starts once those conditions are met. Regulators should identify switch-off areas within six months and publish, within 12 months, the areas that meet the sustainability conditions. Member States should then adopt a binding legal act within 12 months and require the switch-off to take place without undue delay. Nobody should be left behind: switch-off should require affordable services of at least comparable quality for all users relying on copper, and users should be able to request a fibre connection where such connectivity is present nearby.

Access rules. The Rapporteur supports the ladder of remedies proposed by the Commission and proposes to make access rules more symmetric, with a stronger role for commitments. Regulators should consider commitments offered by operators before imposing any remedy, and such commitments should last at least until the next market review. If commitments are insufficient, regulators should follow the ladder from the least intrusive remedy: passive access with transparency and non-discrimination first, then the EU harmonised access product, and active remedies only at last resort. Regulators should also take into account existing commercial agreements that already address market problems. Keeping the technology-neutral concept of "very high capacity network" instead of introducing "gigabit network", as proposed by the Commission, favours regulatory predictability over changing the rules in the middle of the investment cycle.

Net neutrality that enables innovation. The Rapporteur defends the open internet principle and proposes only targeted measures to adapt the framework to technological progress. Traffic management measures should be able to differentiate between categories of traffic

with different technical requirements, provided that all traffic within a category is treated equally. Specialised services should be offered only on a non-exclusive and non-discriminatory basis and where network capacity is sufficient, with legal certainty provided by a mandatory delegated act. This would open room for innovative, quality-assured services without weakening the open internet or consumer rights.

2.2. Simplification

The Rapporteur's guiding idea is to reduce administrative and regulatory burden on undertakings in order to make space for growth and innovation.

General authorisation. The Rapporteur proposes that, instead of a separate notification in each Member State, providers should be able to use a single multilingual EU notification platform run by the ODN, which would automatically route notifications to the relevant national regulators. He supports the Commission's proposals that no administrative decision should be needed before starting activity and that existing authorisations should remain valid. Notifications should be possible in any official language of the Union. Enforcement should be handled by the regulatory authorities in the Member States where services are provided.

Reporting. For the Rapporteur, no information that providers have already supplied under NIS2 or other Union law should be requested again. Data collection should follow the principle of data minimisation, sustainability data should be collected only where other Union law falls short, and BEREC's data-collection guidelines should be reviewed every three years with a view to reducing the burden. Providers should supply information on open internet compliance at the regulator's request rather than through the biennial reporting cycles proposed by the Commission. The Rapporteur also proposes to delete provisions whose benefits do not justify their cost: the spectrum geolocation database and pan-European numbering resources.

Practical bottlenecks should also be removed: grid connections for network sites should receive priority, and co-location assessments should rely on measured rather than theoretical electromagnetic emissions.

Copper switch-off. The Rapporteur proposes clear procedures instead of a single date for all. Member States where copper is already marginal (below 15% of fixed broadband subscribers) and which already have a binding switch-off plan approved by the national regulatory authority should be spared these rules and the related burden.

Governance and legal clarity. The Rapporteur proposes leaner governance and the use of the expertise of national regulators. The ODN should support BEREC instead of duplicating its work. Therefore, proposes that the key competences are performed by BEREC, while ODN would focus on providing administrative support to the regulatory work. ODN's Management Board should be slimmed down from 27 to 9 members of the Board of Regulators, while 2 members appointed by the European Parliament should be added. New tasks for the ODN should come only with matching resources. For legal clarity, Member States should publish

an implementation notice and repeal national provisions inconsistent with the Regulation.

2.3. Harmonisation for the Single Market

The draft report moves towards one market, at the level of infrastructure and at the level of services, so that European operators can scale and European consumers can benefit from services across borders.

Infrastructure. Beyond investment incentivising measures mentioned, the report proposes binding common EU methodologies for spectrum fees and reserve prices, a review of national award measures extended to coverage obligations and reserve prices, common authorisation conditions for wireless broadband in the Member States concerned, and the possibility of pan-EU awards. For access, the markets Recommendation should be reviewed at least every three years and contain common guidance on market definition and geographic differentiation. Access to satellite spectrum bands should be subject to general authorisation as a rule, and the conditions of the EU satellite authorisation, as well as the EU harmonised access product, should be laid down by delegated acts rather than implementing acts.

Services. The Rapporteur changes the Commission's minimum harmonisation approach. He proposes stronger consumer protection rules at the EU level. They should include cost control, barring of third-party billing, warning before disconnection, comparison tools and quality-of-service parameters, together with a maximum commitment period of 24 months that applies everywhere, without national exceptions for any of those.

Roaming. Roaming is the single market at its best. The Rapporteur proposes to lower wholesale data caps from EUR 1.00/GB to EUR 0.65/GB, down to EUR 0.40/GB from 2031, and to extend the regime to 2037. Spectrum remains a scarce resource held by only a few mobile network operators in each Member State. Every other player therefore has to compete by using someone else's network: domestic MVNOs through wholesale access agreements, and operators from other Member States through roaming agreements. Bringing wholesale roaming charges closer to what MVNOs pay for domestic wholesale access would create a level playing field between domestic MVNOs and operators from other Member States. Operators could then compete for customers across borders, and markets with high retail prices would come under pressure from offers made in other Member States. End-users would gain choice beyond their national market, while measures against anomalous or abusive use of wholesale roaming access are kept.

3. Resilience

Networks are critical infrastructure. The sabotage of undersea cables in the Baltic Sea, satellite navigation and radio jamming at the Union's eastern border, large-scale power outages and extreme weather events in the south have shown that connectivity is a frontline of European security. The Rapporteur therefore makes network resilience a European task: knowing our vulnerabilities, closing them through investment, defending our spectrum and keeping people connected in every crisis. The draft report turns the Commission's resilience

provisions into a coherent framework built on six pillars.

3.1. A resilience duty for the whole crisis-management chain

The Rapporteur supports the Commission's proposal for a duty to cooperate between providers, regulators and other authorities, and proposes to extend it to the authorities responsible for critical entities, so that the digital and physical resilience frameworks work together. He also supports the obligation on providers and emergency call centres to ensure uninterrupted critical communications, emergency communications and public warnings during disruptions and crises.

3.2. A European Preparedness Plan focused on cross-border risks and dependencies

BEREC should prepare the Union Preparedness Plan for Digital Infrastructures together with ENISA, the Commission, the NIS Cooperation Group and European crisis-response and resilience authorities. To deliver European added value rather than duplication, the Plan should complement national and Union plans on cybersecurity and crisis management. It should concentrate on the cross-border elements of network architecture, capacity and use, and regulators should not request again data already reported under NIS2.

The Rapporteur supports the Commission's proposal that the Plan should provide a Union-level overview of network topology and identify route-diversification possibilities, bottlenecks and single points of failure, and that sensitive information should be handled under the rules on classified information and presented in aggregate form, so that critical assets cannot be geolocated. He also proposes a more realistic timetable for the Plan.

3.3. From diagnosis to investment

The Rapporteur proposes that the Plan's recommendations should cover strategic cross-border connectivity investment needs. Member States and the Commission should take them into account and mobilise adequate resources, in particular under the next Multiannual Financial Framework, to strengthen network security and resilience. BEREC should share its analysis with the Commission, also on its own initiative, to guide Union funding, including for trans-European digital networks such as cable projects. Recognising submarine cables as electronic communications networks, giving priority to grid connections for network sites and densifying mobile networks would all add redundancy and strengthen resilience.

3.4. Defending European airwaves and space assets

The Rapporteur proposes a firmer response to cross-border interference and jamming. Operators in neighbouring countries should be able to agree directly on coordination. The Commission should be able to ask the Member State that licensed an interfering operator to take enforcement action, including fines and the withdrawal of the authorisation. Where interference comes from a third country, the Commission should be able to treat it as a matter of Union interest and negotiate on behalf of the Union. Joint assistance by Member States should follow after six months instead of 12 months, and the Council should be obliged to consider restrictive measures where the problem persists. Operators that suffer damage should

have a right to seek compensation before national courts.

It should also be possible to refuse transfers or leases of spectrum rights where they pose risks to national security. In space, Member States should jointly preserve the strategic value of European ITU filings, act against speculative or abusive filings and be able to require their transfer. Transfers should require approval by the national filing authority and, where harmonised spectrum is involved, by the Commission. Satellite operators should also avoid harmful interference with satellite systems authorised in the Union or financed by Union programmes.

3.5. Secure supply chains

The Rapporteur supports the Commission's proposal to make compliance with ICT supply-chain security requirements under the future Cybersecurity Act a condition of the general authorisation and of rights of use for spectrum, and proposes to extend it to the EU satellite authorisation. That authorisation is also conditional on data retention and lawful interception obligations, to which the Rapporteur adds the obligation to designate legal representatives. Enforcement should remain with national regulatory authorities under the general enforcement regime, which avoids a parallel procedure linked to legislation not yet adopted.

3.6. Keeping people connected when technology changes or networks fail

Where the switch-off of legacy technologies could affect emergency services or discontinue services on existing devices, providers should give three years' notice instead of the two years proposed by the Commission, together with a migration roadmap. Regulators should assess the roadmap within six months, be able to impose mitigation measures and be explicitly tasked with supervising such migrations. Users should be informed if a migration affects their ability to call 112 with their current device.

Satellite providers should also ensure free access to 112, including in areas where terrestrial coverage is absent or critically disrupted, and contextual data and caller location should also be routed for calls made over satellite. Each national emergency system should designate a single IP gateway, and these gateways should be included in the Union database of emergency call centres so that centres can contact each other and exchange data across borders. Public warnings should be transmitted instantly, through one or several technologies.

4. Citizens

Last but not least, the Rapporteur wants a DNA that people feel in their daily lives: accessible to all, safer in emergencies and better at protecting them against fraud.

Accessibility. For persons with disabilities, total conversation, text relay and video relay services should be available and affordable, and emergency communications should include relay services available 24 hours a day. The 116000 hotline for missing children, public warnings sent through the European Digital Identity Wallet, and quality-of-service parameters should all take the needs of end-users with disabilities into account.

Emergency services and public warnings. The emergency number 112 should be reachable from all interpersonal communications services, including messaging applications, and not only where Member States so decide, as proposed by the Commission. It should also be reachable via satellite, free of charge, where terrestrial networks are unavailable. Emergency calls should carry automatically transmitted contextual data, not only location, and call-back from emergency centres should be ensured for as long as strictly necessary. Where public warning systems exist, warnings should reach affected users instantly, for example through cell broadcast, and Member States should be able to mandate several technologies for redundancy.

Roaming for frequent travellers. Under "roam like at home", operators may apply a surcharge when a traveller's data use exceeds the fair-use limit, and that surcharge is capped by the wholesale roaming charge. Lowering the wholesale caps, as the Rapporteur proposes, would therefore directly lower the maximum charges for those who use a lot of data abroad: frequent travellers, cross-border commuters, students and business travellers.

Fraud. The Rapporteur proposes to bring transit providers into the effort and to require all providers not only to identify but also to implement effective measures. BEREC guidelines should also cover information sharing to prevent, detect and mitigate fraud. To ensure that anti-fraud measures are effective, providers should be able to process certain traffic data, in line with the GDPR. The Rapporteur supports the Commission's proposals on caller identification and on stopping automatic call forwarding by third parties, and extends the ban on hiding caller identification to the users of automated calling systems.

Fair and affordable services. The Rapporteur proposes that low-income consumers should receive support through vouchers, social allowances or direct payments. All consumers should get free tools to monitor consumption, alerts on unusual usage and warning before any disconnection. Contract termination fees should be reasonable and transparent, and consumers should be able to terminate free of charge where internet quality falls short of what was promised. Bills should be itemised by category, and complaint-handling and out-of-court dispute resolution should be strengthened, including for microenterprises and not-for-profit organisations.

II. Conclusion

With this draft report, the Rapporteur seeks to deliver a Digital Networks Act that matches the convergence of networks, computing and space: one that attracts investment, simplifies rules, completes the single market, strengthens Europe's digital sovereignty and resilience, and brings tangible benefits to citizens.

ANNEX: DECLARATION OF INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he included in his report input on matters pertaining to the subject of the file that he received, in the preparation of the draft report, from the following interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register1, or from the following representatives of public authorities of third countries, including their diplomatic missions and embassies:

1. Interest representatives falling within the scope of the Interinstitutional Agreement on a mandatory transparency register
1&1 AG – 439568220616-04
ACT (Association of Commercial Television and Video on Demand Services in Europe) – 18574111503-28
AER (Association of European Radios) – 6822083232-32
Akamai Technologies, Inc. – 756663618867-82
Allegro sp. z o.o. – 611131527720-22
Amazon Web Services (Amazon Europe Core SARL) – 366117914426-10
AmCham EU (American Chamber of Commerce to the EU) – 5265780509-97
American Tower Corporation (ATC Europe) – 918815152399-62
AMETIC – 013076816891-46
ANGA Der Breitbandverband e.V. – 063571949066-13
Apple Inc. – 588327811384-96
ASSTEL (Assotelecomunicazioni) – 682472350256-25
Bauer Media Group (Heinrich Bauer Verlag KG) – 218282321469-11
BDI (Bundesverband der Deutschen Industrie e.V.) – 1771817758-48
BEUC – 9505781573-45
Bitkom e.V. – 5351830264-31
Bouygues Europe – 91216972728-77
BREKO – 028570718529-43
Broadcast Networks Europe (BNE) – 298887016981-26
BUGLAS – 031503449561-38
CCIA Europe – 281864052407-46
Cisco Systems Inc. – 494613715191-85
CISPE – 041495920038-44
Cloudflare – 580322225469-90
Colt Technology Services – 461779552312-47
Connect Europe – 08957111909-85

1 Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register (OJ L 207, 11.6.2021, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2021/611/oj).

Deutsche Telekom AG – 60052162589-72
DIGITALEUROPE – 64270747023-20
DOT Europe – 53905947933-43
EBU (European Broadcasting Union) – 93288301615-56
ecta – 24627752238-32
EENA (European Emergency Number Association) – 68057486299-01
Elisa Oyj – 287872416724-91
epicenter.works – 881375334337-75
Ericsson – 02021363105-42
Euralarm – 94201247949-87
European Digital Rights (EDRi) – 16311905144-06
European Disability Forum – 57868523887-16
European Sovereign Tech Industry Alliance (ESTIA) – 8702476101787-41
European Union of the Deaf (EUD) – 938323993066-28
Eutelsat – 746025510283-01
Fastweb S.p.A. – 58272867322-27
FiberCop – 780285493468-41
freenet AG – 285578799697-77
FTI Consulting Belgium – 29896393398-67
FTTH Council Europe (Fiber Council Europe) – 09838612482-61
Google (Google Ireland Limited and its affiliates) – 03181945560-59
Grupa Polsat (Cyfrowy Polsat S.A.) – 313035020383-71
GSMA Europe – 30988577529-37
GSOA – 530938126582-09
iliad Group (Play) – 173343238166-37
InterDigital, Inc. – 787513017798-23
ITI (Information Technology Industry Council) – 061601915428-87
Lenovo Group Limited – 217499944538-05
Liberty Global Corporate B.V. – 82853397708-89
Meta Platforms Ireland Limited – 28666427835-74
MFE-MEDIAFOREUROPE – 91471238809-21
Microsoft Corporation – 0801162959-21
Motion Picture Association EMEA – 95201401713-39
MVNO Europe – 458563610807-24
National Broadband Ireland (NBI Infrastructure DAC) – 5123460102817-24
Nokia – 35167875358-33
Nove – 522122412613-18
Orange – 76704342721-41
Orange Belgium – 077243120460-16
Polish Confederation Lewiatan – 819446791825-58
PPF Group a.s. – 629866148906-50
Qualcomm Incorporated – 00358442856-45
Siinda – 209899418750-27
Sky Group – 62536168216-12
SpaceX / Starlink (Space Exploration Technologies Corp.) – 892739146790-61
Telefónica S.A. – 52431421-12
Telekom Austria AG – 99255639490-47

TIM S.p.A. – 078655018381-34
Twilio Inc. – 067223231522-58
Vantage Towers AG – 317784541120-42
VATM – 10256986723-88
Video Games Europe – 20586492362-11
Vodafone (Vodafone Belgium SA) – 90142503473-81
Vodafone GmbH (Germany) – 286518651566-82
Wi-Fi Alliance – 824205692155-23
WINDTRE (Wind Tre S.p.A.) – 082690649605-19
Związek Przedsiębiorców i Pracodawców – 868073924175-77
2. Representatives of public authorities of third countries, including their diplomatic missions and embassies
U.S. Mission to the European Union

The list above is drawn up under the exclusive responsibility of the rapporteur.

Where natural persons are identified in the list by their name, by their function or by both, the rapporteur declares that he has submitted to the natural persons concerned the European Parliament's Data Protection Notice No 484 (https://www.europarl.europa.eu/data-protect/index.do), which sets out the conditions applicable to the processing of their personal data and the rights linked to that processing.