Kumpula-Natri report – draft compromise amendments

Proposal for a regulation amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets

DRAFT COMPROMISE - ARTICLE 7

Wholesale cap for voice

Commission proposal

- 1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR **0.04** per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR **0.04** until 30 June 2022
- 2. 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 such 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 2022.
- 3. The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis adjusted to take account of the possibility for the operator of the visited network to apply an initial minimum charging period not exceeding 30 seconds.

Draft compromise

- 1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,0x* per minute as of 15 June 2017. *The safeguard limit* shall *decrease to EUR 0,0x on 1 July 2018 and shall*, without prejudice to Article 19, remain at EUR *0,0x* until 30 June 2022/2025.
- 2. 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 such 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 2022.
- 3. The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis adjusted to take account of the possibility for the operator of the visited network to apply an initial minimum charging period not exceeding 30 seconds.

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,03* per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR *0,03* until 30 June 2022

AM 65

Krišjānis Kariņš, Esther de Lange, Bendt Bendtsen, Luděk Niedermayer

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR 0,035 per minute. The safeguard limit shall, on 1 July 2018, decrease to EUR 0,03 per minute, on 1 July 2019, to EUR 0,02 per minute, and, without prejudice to Article 19, on 1 July 2020, to EUR 0,014 per minute. It shall remain at EUR 0,014 per minute until 30 June 2022

AM 66

Gunnar Hökmark

1. **As of 15 June 2017**, the average wholesale charge that **a** visited network operator may levy on **a** roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall **be set based on the principle of reciprocal charging.**

AM 67

Róża Gräfin von Thun und Hohenstein (EPP)

1.The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,03* per minute as of 15 June 2017. *The safeguard limit* shall, without prejudice to Article 19, *on 1 July 2018, decrease to EUR 0,02 and* remain at EUR *0,02* until 30 June 2022

AM 68

David Borrelli, Dario Tamburrano

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,025* per minute as of 15 June 2017 and shall, on 1 July 2019, decrease to 0,02 per minute and shall, without prejudice to Article 19, remain at EUR *0,02* until 30 June 2022.

AM 69

Michel Reimon

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,025* per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR *0,025* until 30 June *2020 after which will decrease to 0,015 per minute.*

AM 70

Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Theresa Griffin, Paul Tang

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,01* per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR *0,01* until 30 June 2022

AM 71

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,03* per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR *0,03* until 30 June *2025*

AM 73

Henna Virkkunen, Kaja Kallas

1. The average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, among others, of origination, transit and termination costs, shall not exceed a safeguard limit of EUR *0,03* per minute as of 15 June 2017 and shall, without prejudice to Article 19, remain at EUR *0,03* until 30 June 2022

AM 73

Lorenzo Fontana

1. A decorrere dal 15 giugno 2017 la tariffa media all'ingrosso che l'operatore di una rete ospitante può applicare al fornitore di roaming per la fornitura di una chiamata in roaming regolamentata a partire da quella rete ospitante, compresi, tra l'altro, i costi per la raccolta, il transito e la terminazione, non supera il limite di salvaguardia di *0,025* EUR al minuto e, fatto salvo l'articolo 19, rimane fissata a *0,025* EUR fino al 30 giugno 2022.

AM 74

Werner Langen

(1) Das durchschnittliche Großkundenentgelt, das der Betreiber eines besuchten Netzes dem Roaminganbieter für die Abwicklung eines regulierten Roaminganrufs aus dem betreffenden besuchten Netz berechnet, darf einschließlich unter anderem der Kosten für Verbindungsaufbau, Transit und Anrufzustell ung ab dem 15. Juni 2017 eine Schutzobergrenze von 0,03 EUR pro Minute nicht übersteigen und bleibt unbeschadet des Artikels 19 bis zum 30. Juni 2022 bei 0,03 EUR.

AM 75

Joao Ferreira

Deletion - Article 7 - paragraph 2

AM 76

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

2. 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 such 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 **2025**.

AM 77

Joao Fereira

(2 a) Em derrogação do número 1 devem exceptuar-se os casos em que os custos reais em que incorre o operador, por razões como a sobrecarga sazonal da rede, entre outras, sejam comprovadamente superiores aos valores definidos no número anterior.

(Amendment applies also to Article 9 and Article 12.)

Informal translation; 2 a) Notwithstanding paragraph 1 shall excepting the cases where the actual costs incurred by the operator, for reasons such as seasonal overload the network, among others, are demonstrably higher than the values defined in the preceding paragraph.

AM 78

Borrelli Tamburrano

(2 a) In Article 7, paragraph 3 is replaced by the following:

"3. The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis adjusted to take account of the possibility for the operator of the visited network to apply an initial minimum charging period not exceeding 30 seconds."

DRAFT COMPROMISE - ARTICLE 9

Wholesale cap for SMS

Commission proposal

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR 0.01 per SMS message and shall, without prejudice to Article 19, remain at EUR 0.01 until 30 June 2022.

Draft compromise

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR 0.01 per SMS message. The safeguard limit shall decrease to EUR 0,0xx on 1 July 2018 and shall, without prejudice to Article 19, remain at EUR 0,0xx until 30 June 2022/2025.

AM 79

Hökmark

1. With effect from 15 June 2017, the average wholesale charge that **a** visited network operator may levy on **a** roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall **be set based on the principle of reciprocal charging**.

AM 80

Reimon

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR *0,005* per SMS message and shall, without prejudice to Article 19, remain at EUR *0,005* until 30 June 2022.

AM 81

Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Paul Tang

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR *0,005* per SMS message and shall, without prejudice to Article 19, remain at EUR *0,005* until 30 June 2022.

AM 82

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Pavel Telička, Fredrick Federley, Ulrike Müller

1. With effect from 15 June 2017, the average wholesale charge that the visited network operator may levy on the roaming provider for the provision of a regulated roaming SMS message originating on that visited network shall not exceed a safeguard limit of EUR 0.01 per SMS message and shall, without prejudice to Article 19, remain at EUR 0.01 until 30 June **2025**.

DRAFT COMPROMISE - ARTICLE 12

Wholesale cap for data

Commission proposal

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR *0.0085 per megabyte* of data transmitted and shall, without prejudice to Article 19, remain at EUR *0.0085 per megabyte* of data transmitted until 30 June 2022.

Draft compromise

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR X per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR X per gigabyte of data transmitted, on 1 July 2019 to EUR X per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to EUR X per gigabyte of data transmitted, and on 1 July 2021, to EUR X per gigabyte of data transmitted. It shall remain at EUR X per gigabyte of data transmitted until 30 June 2022 /2025?.

AM 4

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 5 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 4 per gigabyte of data transmitted, on 1 July 2019 to EUR 3 per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to EUR 2 per gigabyte of data transmitted, and on 1 July 2021, to EUR 1 per gigabyte of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 83

Hannu Takkula (ALDE)

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR *2 per gigabyte* of data transmitted and shall, without prejudice to Article 19, remain at *EUR 2 per gigabyte* of data transmitted until 30 June 2022.

AM 84

Jeppe Kofod, Olle Ludvigsson, Zigmantas Balčytis, Theresa Griffin, Paul Tang

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 2,5 per gigabyte of data transmitted. This safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte of data transmitted, on 1 July 2019 to EUR 1,5 per gigabyte of data transmitted, and on 1 July 2020, to EUR 1 per gigabyte of data transmitted. It shall remain, without prejudice to Article 19, at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 85

Róża Gräfin von Thun und Hohenstein

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 4 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2019 to EUR 1 per gigabyte of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 86

Henna Virkkunen

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 3 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte of data transmitted, and, on July 2019 to EUR 1 per gigabyte of data transmitted, and shall without prejudice to Article 19, remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 87

Krišjānis Kariņš, Bendt Bendtsen, Luděk Niedermayer, Paul Rübig

11. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 3 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 2 per gigabyte of data transmitted, and, on July 2019 to EUR 1 per gigabyte of data transmitted, and shall, without prejudice to Article 19, remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 88

Hökmark

1. With effect from 15 June 2017, the average wholesale charge that a visited network operator may levy on a roaming provider for the provision of regulated data roaming services by means of that visited network shall be set based on the principle of reciprocal charging.

AM 89

David Borrelli, Dario Tamburrano

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 4 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 3 per gigabyte of data transmitted, on 1 July 2019 to EUR 2 per gigabyte of data transmitted, on 1 July 2021 to EUR 1 per gigabyte of data transmitted. It shall, without prejudice to Article 19, remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 90

Pavel Telička

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 0,005 per megabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 0,004 per megabyte of data transmitted, on 1 July 2019 to EUR 0,003 per megabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to EUR 0,002 per megabyte of data transmitted, and on 1 July 2021, to EUR 0,001 per megabyte of data transmitted. It shall remain at EUR 0,001 per megabyte of data transmitted until 30 June 2025.

AM 91

Jens Rohde, Morten Helveg Petersen, Morten Løkkegaard, Fredrick Federley, Ulrike Müller

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 8,5 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 4 per gigabyte of data transmitted, on 1 July 2019 to EUR 3 per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to EUR 2 per gigabyte of data transmitted,

and on 1 July 2021, to EUR 1 per gigabyte of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2025.

AM 92

Esther de Lange, Paul Rübig

1. With effect from 15 June 2017 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 that visited network shall not exceed a safeguard limit of EUR 5 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 4 per gigabyte of data transmitted, on 1 July 2019 to EUR 3 per gigabyte of data transmitted, and on 1 July 2021, to EUR 1 per gigabyte of data transmitted, and on 1 July 2021, to EUR 1 per gigabyte of data transmitted. It shall, without prejudice to Article 19, remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 93

Kaja Kallas, Cora van Nieuwenhuizen, Marietje Schaake

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 5 per gigabyte of data transmitted. The safeguard limit shall, on 1 July 2018, decrease to EUR 4 per gigabyte of data transmitted, on 1 July 2019 to EUR 3 per gigabyte of data transmitted, and, without prejudice to Article 19, on 1 July 2020, to EUR 2 per gigabyte of data transmitted, and on 1 July 2021, to EUR 1 per gigabyte of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

AM 94

Werner Langen

(1) Mit Wirkung vom 15. Juni 2017 darf das durchschnittliche Großkundenentgelt, das der Betreiber eines besuchten Netzes dem Roaminganbieter für die Abwicklung regulierter Datenroamingdienste über das betreffende besuchte Netz berechnet, eine Schutzobergrenze von 8 EUR pro Gigabyte übertragener Daten nicht übersteigen. Die Schutzobergrenze wird am 15. Juni 2018 auf 7,50 EUR pro Gigabyte übertragener Daten und unbeschadet des Artikels 19 am 15. Juni 2019 auf 7 EUR pro Gigabyte übertragener Daten, am 15. Juni 2020 auf 6,50 EUR pro Gigabyte übertragener Daten, am 15. Juni 2021 auf 6 EUR pro Gigabyte übertragener Daten und am 15. Juni 2022 auf 5,50 EUR pro Gigabyte übertragener Daten gesenkt.

AM 95

Evžen Tošenovský

1. 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 that visited network shall not, with effect from 15 June 2017 exceed a safeguard limit of EUR 12 per gigabyte of data transmitted, with effect from 1 July 2018 exceed EUR 10, with effect from 1 July 2019 exceed EUR 8, with effect from 1 July 2020 exceed EUR 6 and shall, without prejudice to Article 19, remain at EUR 6 per gigabyte of data transmitted until 30 June 2022.

AM 96

Michel Reimon

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR *0,004* per megabyte of data transmitted and shall, without prejudice to Article 19, *decrease by EUR 0,001* per megabyte of data transmitted, *each year* until *15 June 2020*.

AM 97

Hans-Olaf Henkel

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR *0,015* per megabyte of data transmitted and shall, without prejudice to Article 19, remain at EUR *0,015* per megabyte of data transmitted until 30 June 2022.

AM 98

Françoise Grossetête, Anne Sander, Francesc Gambús, Michał Boni

1. With effect from 15 June 2017, 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 that visited network shall not exceed a safeguard limit of EUR 0,0127 per megabyte of data transmitted. That maximum charge shall decrease to EUR 0,0101 on 15 June 2018, to 0,0080 on 15 June 2019, to 0,0064 on 15 June 2020 and to 0,0051 on 15 June 2021 and shall, without prejudice to Article 19, remain at EUR 0,0051 per megabyte of data transmitted until 30 June 2022.