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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (recast) - Opinion of the Consultative Working Party of Legal Services

Delegations will find attached the opinion of the Consultative Working Party of Legal Services regarding the above mentioned subject.



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, **15 SEP. 2021**

OPINION

FOR THE ATTENTION OF

THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

Proposal for a Regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (recast) COM(2021) 85 of 24.2.2021 - 2021/0045 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 19 and 29 April 2021 for the purpose of examining the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- in recital 54, the adding of the word '*SMS*';
- in recital 63, the deletion of the words '*in a secure, harmonised and timely manner*';
- in Article 3(8), the adding of the words '*Within 6 months after the adoption of this Regulation*'.

2. In Article 8(1), (3) and (4), the proposed replacement of the words '*abolition of retail roaming surcharges*' with the words '*provision of retail roaming services at domestic prices*' should have not been marked with the grey-shaded type used for identifying substantive amendments, but with simple formal adaptation markers.

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

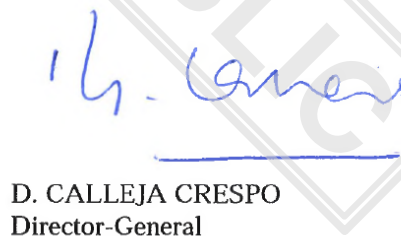
In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



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