Electronic communications: regulatory framework for networks and services, reductions on mobile roaming charges across the Community

2006/0133(COD) - 27/06/2007 - Final act

PURPOSE: to limit, from the summer of 2007, roaming charges on public mobile networks within the Community.

LEGISLATIVE ACT: Regulation (EC) No 717/2007 of the European Parliament and of the Council on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC.

CONTENT: following a political agreement concluded between the European Parliament, the Council and the Commission, the Council the Regulation on roaming on public mobile networks within the Community and amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services.

This Regulation introduces a common approach to ensuring that users of public mobile telephone networks when travelling within the Community do not pay excessive prices for Community-wide roaming services when making calls and receiving calls, thereby contributing to the smooth functioning of the internal market while achieving a high level of consumer protection, safeguarding competition between mobile operators and preserving both incentives for innovation and consumer choice.

It lays down rules on the charges that may be levied by mobile operators for the provision of international roaming services for voice calls originating and terminating within the Community and applies both to charges levied between network operators at wholesale level and to charges levied by home providers at retail level.

The regulation introduces a Eurotariff at retail level (excluding VAT) not exceeding EUR 0.49 per minute for any call made and EUR 0.24 per minute for any call received for the first year. The price ceiling for calls made will automatically be reduced to EUR 0.46 and EUR 0.43, and for calls received to EUR 0.22 and EUR 0.19, in the second and third year respectively.

The Regulation provides for imposing the regulatory obligations at both retail and wholesale level. It sets an EU-wide maximum average per-minute wholesale charge not exceeding EUR 0.30. This charge will decrease to EUR 0.28 and EUR 0.26 after one year and two years respectively.

New roaming customers should be fully informed of the range of tariffs that exist for roaming within the Community, including the tariffs which are compliant with the Eurotariff. Existing roaming customers should be given the opportunity to choose a new tariff compliant with the Eurotariff or any other roaming tariff within a certain time frame. For existing roaming customers who have not made their choice within this time frame, it is appropriate to distinguish between those who had already opted for a specific roaming tariff or package before the entry into force of this Regulation and those who had not. The latter should be automatically accorded a tariff that complies with this Regulation. Roaming customers who already benefit from specific roaming tariffs or packages which suit their individual requirements and which they have chosen on that basis should remain on their previously selected tariff or package if, after having been reminded of their current tariff conditions, they fail to express a choice within the relevant

time period. Such specific roaming tariffs or packages could include, for example, roaming flat-rates, non-public tariffs, tariffs with additional fixed roaming charges, tariffs with per-minute charges lower than the maximum Eurotariff or tariffs with set-up charges.

All existing roaming customers shall be given the opportunity by 30 July 2007 to opt deliberately for a Eurotariff or any other roaming tariff, and shall be allowed a period of two months within which to make their choice known to their home provider. The requested tariff shall be activated no later than one month after receipt by the home provider of the customer's request.

National regulatory authorities shall monitor and supervise compliance with this Regulation within their territory. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented.

The Commission shall review the functioning of this Regulation and report to the European Parliament and the Council no later than 30 December 2008. The Commission shall evaluate in particular whether the objectives of this Regulation have been achieved. In its report the Commission shall review developments in wholesale and retail charges for the provision to roaming customers of voice and data communication services, including SMS and MMS, and shall, if appropriate, include recommendations regarding the need to regulate these services.

In its report, the Commission shall assess whether, in the light of developments in the market and with regard to both competition and consumer protection, there is need to extend the duration of this Regulation.

ENTRY INTO FORCE: 30/06/2007. The duration of the Regulation is limited to three years unless, on the basis of a Commission proposal, the Council and the Parliament decide to extend its duration and/or

its scope.