Wholesale roaming markets

2016/0185(COD) - 07/12/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Miapetra KUMPULA-NATRI (S&D, FI) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets.

The committee recommended that Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Wholesale roaming access: the Commission proposal stated that mobile network operators may refuse requests for wholesale roaming access only on the basis of objective criteria and after obtaining authorisation from their national regulatory authority. Members suggested that the national regulatory authority concerned **inform the Commission of any application** for authorisation and of the objectively justified reasons therefor. The Commission shall make information concerning such applications available to the public, subject to the duty of confidentiality.

Complaints: undertakings that have requested wholesale roaming access may submit complaints to the national regulatory authorities concerned. The national regulatory authorities shall accept or reject such complaints within one month of receipt, providing reasons for their decision. The national regulatory authorities shall inform the Commission of such complaints and the corresponding decisions, and the Commission shall make them available to the public.

Wholesale charges for the making of regulated roaming calls: 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, shall not exceed a **safeguard limit of EUR 0.03 per minute** as of 15 June 2017 and shall remain at EUR 0.03 until 30 June 2022 (the European Commission proposed a ceiling of EUR 0.04 per minute).

Wholesale charges for regulated data roaming services: Members proposed to change the units used for data from megabytes to **gigabytes** (1024 MB).

With effect from 15 June 2017, the average wholesale charge 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, and on **1 July 2020, to EUR 1 per gigabyte** of data transmitted. It shall remain at EUR 1 per gigabyte of data transmitted until 30 June 2022.

Dispute resolution: disputes between visited network operators and other operators on instances of **unfair competition** consisting in substance of an offer from a non-domestic operator based on permanent roaming may be referred to the competent national regulatory authority.

In this case, the Body of European Regulators for Electronic Communications (BEREC) shall, in its opinion, make **an overall assessment over a significant period** of all factual elements characterising the activities carried out by the non-domestic operator in the Member State in which it is established and, on a proportional and comparative basis, in the Member State visited.

Review clause: the Commission proposes a review of price caps every two years after 15 June 2017. Members proposed that the Commission submit an **interim report** on the implementation of the abolition of retail roaming surcharges **by 15 December 2018.** Furthermore, and after consulting BEREC,

the Commission shall submit a report to the European Parliament and to the Council **by 15 December 2019 and every two years thereafter**, accompanied, if appropriate, by a legislative proposal to amend the wholesale charges for regulated roaming services laid down in this Regulation.

In its biennial report, the Commission should, in particular, assess whether "roam-like-at-home' (RLAH) has any impact on the evolution of retail prices and, in particular, the range of tariff plans available on the retail market.