

Wholesale roaming markets

2016/0185(COD) - 06/04/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 549 votes to 27, with 50 abstentions, a legislative resolution 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.

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Wholesale charges for the making of regulated roaming calls: 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 0.032 per minute**. That maximum wholesale charge shall remain at EUR 0.032 until 30 June 2022.

Wholesale charges for regulated data roaming services: in order to take account of the increased usage of data services and the reduction in cost per unit of data transmitted, the maximum wholesale charge for regulated data roaming services should decrease each year and should be set in euro per gigabytes where a gigabyte is equal to **1 000 megabytes**.

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 7.70 per gigabyte of data transmitted**. That maximum wholesale charge shall decrease to **EUR 6.00** per gigabyte on 1 January 2018, to **EUR 4.50** per gigabyte on 1 January 2019, to **EUR 3.50** per gigabyte on 1 January 2020, to **EUR 3.00** per gigabyte on 1 January 2021 and to **EUR 2.50** per gigabyte on 1 January 2022. It shall remain at **EUR 2.50** per gigabyte of data transmitted until 30 June 2022.

Conditions for wholesale access to roaming services: when included in a reference offer, these conditions should include specific measures that the operator of the visited network may take to prevent permanent roaming or abnormal use or abusive use of wholesale roaming access, as well as the objective criteria on the basis of which such measures should be taken.

The reference offer may 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 the **prior authorisation** of the visited network operator's national regulatory authority.

The national regulatory authorities of the visited network operator and of the home network operator may each request BEREC to adopt an opinion with regard to the action to be taken in accordance with this Regulation. BEREC shall adopt its opinion within one month of receipt of such a request.

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.

The Commission's biennial reports should, in particular: (i) analyse the extent to which exceptional retail roaming surcharges have been authorised by national regulatory authorities; (ii) the ability of home network operators to sustain their domestic charging models and the ability of visited network operators to recover the efficiently incurred costs of providing regulated wholesale roaming services.

BEREC should report regularly on the relationship between retail prices, wholesale charges and wholesale costs for roaming services.