

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

2006/0133(COD) - 12/04/2007

The committee adopted the report by Paul RÜBIG (EPP-ED, AT) amending - under the 1st reading of the codecision procedure - the proposed 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. The main amendments were as follows:

- a new provision in Article 1 stipulated that the regulation would lay down "rules aimed at increasing price transparency and improving the provision of information on charges to users of Community-wide roaming services, including Community-wide roaming data communication services". The latter was also the subject of a new definition introduced into the regulation;
- the committee introduced a definition of 'Eurotariff', meaning "any charge up to the maximum charge per minute that home providers may levy for the provision of regulated roaming calls";
- on wholesale charges for regulated roaming calls, whereas the Commission had proposed a dual system of caps, i.e. an amount equal to the average mobile termination rate multiplied by a factor of two for calls made within the Member State in which the visited network is located (23 cents), or by a factor of three for calls to Member States outside the visited network (34 cents), the committee proposed a single cap in the form of an amount equal to the MTR multiplied by a factor of two for all calls (i.e. 23 cents). It also introduced a new clause specifying that, for the purpose of providing Community-wide roaming services, "every home provider shall have access to and use of the terrestrial public mobile telephony networks situated in the Member States other than that of the home network";
- on retail charges for regulated roaming calls, the committee stipulated that the maximum Eurotariff retail charge may not exceed, on a per minute basis, 40 cents for all outgoing roaming calls and 15 cents for calls received. It also said that, in addition to the Eurotariff, "every home provider should offer a fair-use, all-inclusive monthly flat rate to which no charge limits apply." This flat rate would cover both voice and data communication services (including SMS and MMS) within the Community;
- all existing and new roaming customers should automatically be accorded a Eurotariff, unless they deliberately opt for another tariff. At the same time, customers should be able to switch to and from the Eurotariff at no charge within 30 days of their request;
- a new Article 6a stipulated that traffic steering techniques should not be used to prevent roaming customers from manually choosing a visited network. Such choice should remain open until the customer has switched off his mobile device or has exited the visited network;
- within 12 months of the regulation's entry into force, the Commission should review developments in wholesale and retail Community-wide roaming charges for data communication services. If these charges appear unjustifiably high, the Commission should submit a proposal for the regulation of these charges based on the regulation of roaming charges for voice telephony;

- the committee introduced a "sunset clause" under which the regulation would expire within three years "unless, before its expiration, the Commission presents a proposal to the European Parliament and the Council to prolong its duration";

- MEPs wanted the provisions on wholesale charges and transparency to take effect immediately after the regulation's entry into force, but said that the provisions on retail charges (including the Eurotariff cap) should only take effect one month afterwards.

Lastly, to ensure that the benefits of cheaper roaming are passed on to customers, the committee introduced a number of provisions to beef up transparency and information requirements:

- the personalised pricing information which each home provider must give to its roaming customer on the retail charges for calls in the visited Member State should be provided "automatically, without undue delay and free of charge, by means of an SMS message" when the customer enters another Member State, and should include information on per-minute retail charges including VAT;

- home providers should give "all users" (rather than just new customers, as proposed by the Commission) full information on roaming charges, in particular on the Eurotariff and the all-inclusive monthly flat-rate;

- all providers should provide roaming customers with a warning icon or message on the screen of their mobile device to indicate that they are about to make or receive a roaming call;

- national regulatory authorities should support a publicity campaign conducted via mass media (television, radio, magazines, newspaper and cinema) "to enhance the level of awareness of the conditions pertaining to the Eurotariff ". The campaign should start immediately after the entry into force of the regulation;

- national regulators should also establish a "price simulator" that provides roaming cost estimates for various operators.