Basic information

2011/0187(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Roaming on public mobile communications networks within the Union. Recast Repealing Regulation (EC) No 717/2007 2006/0133(COD) Repealed by 2021/0045(COD) Amended by 2013/0309(COD) Amended by 2016/0185(COD) **Subject** 3.30.05 Electronic and mobile communications, personal communications 4.60.06 Consumers' economic and legal interests	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	NIEBLER Angelika (PPE)	26/10/2011
	Shadow rapporteur GOEBBELS Robert (S&D) VĂLEAN Adina (ALDE) LAMBERTS Philippe (Verts/ALE) CHICHESTER Giles (ECR) TZAVELA Niki (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection (Associated committee)	KORHOLA Eija-Riitta (PPE)	01/09/2011
JURI Legal Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3169	2012-05-30
Transport, Telecommunications and Energy	3134	2011-12-12

European Commission	Commission DG	Commissioner
	Communications Networks, Content and Technology	KROES Neelie

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
06/07/2011	Legislative proposal published	COM(2011)0402	Summary
13/09/2011	Committee referral announced in Parliament, 1st reading		
12/12/2011	Debate in Council		Summary
16/02/2012	Referral to associated committees announced in Parliament		
24/04/2012	Vote in committee, 1st reading		
02/05/2012	Committee report tabled for plenary, 1st reading	A7-0149/2012	Summary
09/05/2012	Debate in Parliament		
10/05/2012	Decision by Parliament, 1st reading	T7-0197/2012	Summary
10/05/2012	Results of vote in Parliament		
30/05/2012	Act adopted by Council after Parliament's 1st reading		
12/06/2012	End of procedure in Parliament		
13/06/2012	Final act signed		
30/06/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/0187(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 717/2007 2006/0133(COD) Repealed by 2021/0045(COD) Amended by 2013/0309(COD) Amended by 2016/0185(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/06508

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE476.117	06/12/2011	
Amendments tabled in committee		PE478.630	21/12/2011	
Amendments tabled in committee		PE478.645	21/12/2011	
Committee opinion	IMCO	PE478.349	08/02/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0149/2012	02/05/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0197/2012	10/05/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00020/2012/LEX	13/06/2012	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0402	06/07/2011	Summary
Commission response to text adopted in plenary	SP(2012)488	27/06/2012	
Document attached to the procedure	COM(2016)0398	15/06/2016	
Document attached to the procedure	SWD(2016)0200	15/06/2016	
Follow-up document	COM(2018)0822	12/12/2018	Summary
Follow-up document	COM(2019)0616	29/11/2019	
Follow-up document	SWD(2019)0416	29/11/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0402	14/07/2011	
Contribution	CZ_SENATE	COM(2011)0402	07/11/2011	
Contribution	IT_SENATE	COM(2011)0402	12/12/2011	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1611/2011	26/10/2011	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Regulation 2012/0531 OJ L 172 30.06.2012, p. 0010	Summary

Roaming on public mobile communications networks within the Union. Recast

2011/0187(COD) - 12/12/2018

The Commission presents its report on the implementation of Regulation (EU) 531/2012 of the European Parliament and of the Council on roaming on public mobile communications networks within the Union, as amended by Regulation (EU) 2015/2120 and Regulation (EU) 2017/920.

As a reminder, in October 2015, the European Parliament and the Council adopted Regulation (EU) 2015/2120 which mandated the end of retail roaming charges in the Union from 15 June 2017, subject to fair use policy and a sustainability derogation. These new roaming rules have been dubbed "Roam-Like-At-Home" (RLAH).

In accordance with Article 19 (3) of the Roaming Regulation the Commission has to submit to the co-legislators by 15 December 2018 an interim report summarising the effects of the abolition of retail roaming charges.

This is the purpose of this report.

Massive and rapid increase in roaming consumption

The report noted that the European consumers immediately and massively started to take advantage of the elimination of roaming charges in the EU /EEA from 15 June 2017. Already in summer 2017, the use of mobile data services while roaming in the EU/EEA was multiplied by 5.35 (+435%) compared to summer 2016, and the volume of roaming phone calls by 2.45 (+145%).

Travellers now use on average almost 4 times more data while roaming than before RLAH.

Particularly high increases in customers' EU/EEA roaming consumption have been observed by Polish, Romanian, Bulgarian, Croatian and Spanish operators for voice (increases by more than 3 times), and by Bulgarian, Croatian, Czech, Polish, Spanish, and Latvian operators for data (increases by about 10 times and more).

In the three Member States where all mobile network operators have been granted sustainability derogations since 15 June 2017 (Finland, Lithuania and Estonia), users have also markedly increased their consumption of mobile services abroad in the EU/EEA in proportions that are similar to many other Member States. This is because operators which were granted derogations nonetheless provided roaming services without surcharges to some extent and, when applied, the roaming surcharges authorised by the national regulatory authorities (NRAs) were substantially lower than the surcharges in place prior to 15 June 2017. Therefore customers of these operators have substantially benefitted from the new roaming rules as well and have reacted accordingly with increased demand.

Overall compliance

The Roaming Regulation entrusts national regulatory authorities with the task of monitoring, supervising and enforcing the roaming rules in Member States. Responding to the call by the Commission to ensure a proper implementation of RLAH rules from the first day (15 June 2017), each NRA

actively reached out to its mobile operators in the course of the first semester 2017 in order to ensure full compliance with the new rules. NRAs and the Commission remained in close contact throughout the period in order to respond to practical implementation questions from mobile operators ahead of the implementation date.

The report concluded that mobile operators have by and large abided by the new rules, accompanied by the vigilant monitoring from NRAs and the Commission. The safeguards foreseen in the Roaming Regulation to avoid distortions on domestic markets, namely fair use policy and the sustainability derogation, as expected have worked adequately where needed.

The sharp decline in wholesale roaming price caps, and for some the authorisation to derogate, have in general significantly mitigated the impact of RLAH on outbounder mobile network operators and mobile virtual network operators. The successive reductions of the data price cap established in the Roaming Regulation will further facilitate the provision of RLAH in the years to come.

Moreover, these reforms appear to have given significant impetus to internal market dynamics at the wholesale level. Lastly, the RLAH rules have allowed to unleash the untapped demand for mobile consumption among travellers in the EU.

Roaming on public mobile communications networks within the Union. Recast

2011/0187(COD) - 06/07/2011 - Legislative proposal

PURPOSE: introduce structural measures to boost competition by allowing customers from 1 July 2014, if they so wish, to sign up for a cheaper mobile roaming contract, separate from their contract for national mobile services, whilst using the same phone number.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community has been substantially amended. Since further amendments are to be made, it should be recast in the interests of clarity.

A report adopted by the Commission on the current roaming Regulation indicates that it has temporarily reduced prices for roaming phone calls and text messages but has not remedied the lack of competition in the roaming market, with prices remaining stubbornly close to the retail caps.

The Commission's proposal would tackle the current lack of competition and consumer choice by:

- making it easier for alternative operators, like mobile virtual network operators, to enter roaming markets by requiring network operators in other Member States to give them access to their networks at regulated wholesale prices. This would create more competition between operators on roaming markets, and so increase the incentives for them to offer customers more attractive prices and services;
- letting consumers choose an alternative provider for roaming services, irrespective of their national provider. Each time the customer crossed a border, they would automatically switch to their chosen roaming provider, without any further action on their part, while keeping the same number and subscriber identity module (SIM card). This would enhance transparency and allow customers to shop around for the best roaming offers and encourage operators to offer more competitive roaming deals.

The proposal aims to meet the objective set in the Digital Agenda for Europe that differences between roaming and national telecoms tariffs should approach zero by 2015.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: to cover the period until structural measures become fully effective and competition drives retail prices down, the proposal would progressively lower current retail price caps on voice and texting (SMS) services and introduce a new retail price cap for mobile data services. By 1 July 2014, roaming consumers would pay no more than:

- 24 cents per minute to make a call,
- a maximum 10 cents per minute to receive a call,
- maximum 10 cents to send a text message and maximum 50 cents per Megabyte (MB) to download data or browse the Internet whilst travelling abroad (charged per Kilobyte used).

More specifically, until these structural solutions fully delivered their results the proposal would:

- **introduce a new retail price cap for data roaming** (which would remain in force until mid-2016). This would ensure that users of smart phones, tablets and other devices to access the Internet through mobile networks could go online whilst abroad without running up huge bills. The Commission proposes that consumers would pay no more than 90 cents per Megabyte (MB) downloaded from 1 July 2012, falling very steeply to 50 cents per MB by July 2014 (such prices would be charged on a Kilobyte basis, taking into account effective use). The current Regulation does not foresee retail price caps for data roaming. Wholesale price caps for data roaming have been in place since July 2009, but savings have not been passed on to the consumer. The overall average retail price of EUR 1.06 to download data in another Member State at the end of 2010 masks a wide variation in retail prices. For example, it costs consumers an average of EUR 2.23 per MB when downloading abroad on another mobile group's network and in some cases charges reached much higher levels (even as high as EUR 12 per MB). It is

important to note that the proposed retail caps serve as a mere safety-net for consumers, while the Commission expects that the proposed competition-enhancing structural measures would deliver innovative pan-European offers and cheaper prices, significantly below the safeguard caps;

- **keep retail price caps for roaming voice and text message (SMS).** These would gradually decrease for all roaming services and would also remain in force until mid-2016;
- **keep data roaming "bill shock" protection** – consumers' and business travellers' monthly bills for data access over mobile networks when abroad would continue to be limited to EUR 50 unless the customer explicitly agreed otherwise;
- **retain caps on wholesale prices between operators for all roaming services until 2022** (voice, SMS and data) in order to create a predictable investment environment for alternative operators. Wholesale price caps could be removed before 2022 if market data indicated that competition had developed sufficiently;
- under the new Regulation, operators would still be obliged to provide information on roaming prices to consumers when crossing into another Member State, but customers would be able to easily opt out of receiving this information.

BUDGETARY IMPLICATIONS: this proposal has no implications for the EU budget.

Roaming on public mobile communications networks within the Union. Recast

2011/0187(COD) - 12/12/2011

The Council took note, in a public session, of a progress report on a draft roaming regulation and discussed this proposal on the basis of the presidency questionnaire. The proposal aims at revising the current regulation by **introducing pro-competitive structural measures and extending its validity until 30 June 2022**. The proposed structural measures aim to tackle the lack of competition and consumer choice, which causes the high roaming prices. The intention is to open the market to different types of providers and raise consumers' awareness of roaming prices, as well as increase choice by allowing them to purchase roaming also as a standalone service.

The current roaming regulation will expire on 30 June 2012. The aim of the incoming Danish presidency will be to achieve a **first-reading agreement** with the European Parliament early 2012.

The presidency's **progress report** is intended to inform ministers of the work done so far and to identify issues, which will need more in-depth consideration.

The working party discussed the proposal at several meetings on the basis of three clusters which cover the main elements of the proposal:

- structural measures;
- price caps;
- transparency,
- safeguards and
- supervision.

Most delegations welcomed the proposal. However, most sought clarification with regard to the **exact scope of the wholesale access obligation**, and inquired about the **technical and practical feasibility of de-coupling domestic mobile services and international roaming services**, and about the implementation time-frame for particular actions indicated in the regulation. The delegations also expressed some concerns about the level of the proposed price caps and the margin of the price caps at wholesale and retail level.

- **Structural measures**: many delegations enquired about the level of the envisaged effects of the structural measures: would they indeed meet the Digital Agenda target of narrowing or closing the gap between current roaming prices and domestic prices? In addition, concerns were expressed about the envisaged costs regarding the implementation of the structural solutions, which, as assumed by some delegations, could be substantially higher than the EUR 300 million estimated by the industry, as indicated in the Commission's impact assessment. Delegations put detailed questions on how the wholesale access obligation would work in practice, e.g. according to which criteria should mobile network operators have to meet "reasonable requests" for wholesale roaming access. Some delegations believe that the text of the Regulation should better clarify the scope of access (direct wholesale roaming and wholesale roaming resale) as well as the maximum period for granting access. Many delegations believed that the scope of the wholesale access obligation should cover wholesale inbound roaming in the visited network as well as resale wholesale roaming in the home network.
- **Role of the BEREC (Body of European Regulators for Electronic Communications)**: delegations also questioned the process for the BEREC to publish guidelines on wholesale access conditions for the delivery of roaming services and some delegations argued that a deadline should be put to BEREC to produce such guidelines. Issues requiring further discussion on the wholesale access obligation concern the scope of the access obligation, the pricing rules related to the access and a time period for granting access. Regarding the price for the access, some delegations pointed out that, in order to recover costs not directly related to wholesale access, network operators should be allowed to levy a charge to cover a reasonable part of the costs separately from the price for the actual roaming service.
- **The issue of competition:** delegations appear to support the approach of granting end-users the right to select an alternative roaming provider as facilitating the availability of roaming as a stand-alone service would address structural problems by raising consumer awareness of roaming prices, allowing distinct consumer choice concerning roaming services and thus **increasing competitive pressure on the demand side**. In this context, however, delegations did question the proposed technical solution for de-coupling, which needs to be put in place in order to meet the objectives of the structural measures. Many delegations are not yet convinced at this stage about one or the other technical solution for decoupling and are therefore reluctant to predetermine the technical solution in the Regulation. A number of delegations proposed to clearly set out general principles in the Regulation in order to provide BEREC with sufficient guidance, whilst at the same time **retaining flexibility to future-proof the Regulation in light of rapid market and technological developments**. Many delegations referred to the need to fully

involve BEREC in the definition of a technical solution. The Regulation could consequently set out criteria according to which BEREC and industry could work out guidelines for technical solutions, which could be made binding in the EU through the adoption of implementing acts. In this regard, the Regulation could include, for example, the following criteria: the ability to effectively foster competition, user-friendliness, cost-effectiveness, network integrity and time constraints for implementation. In this regard, BEREC is currently investigating less complex solutions, such as roaming resale and local break out for data, which would deliver benefits to different consumer segments, quickly and without undue expenditure of time and resources on implementation. According to BEREC, the Commission's parallel proposals to reduce wholesale prices and introduce a general right of wholesale access for roaming purposes, can already be expected to deliver material competition benefits in the medium term.

- **Wholesale and retail price caps**: discussions focussed on the proposed level of these caps and the linkage between the levels of the wholesale and retail caps. In general, some delegations believed that the level of retail caps could possibly be set lower so that the margin between the wholesale and retail caps could be reduced and the **retail prices would not be more than three times the wholesale prices**. With regard to the caps generally and the retail caps for data roaming particularly, the issue appears to be finding the right balance between the interests of consumers, who are looking for cheaper prices, and offering opportunities for potential new market entrants, who might refrain from entering the market where price caps are set too low. In general, delegations appeared to prefer to start a detailed examination of the level of the caps once discussions on the structural measures have advanced. Delegations seemed to agree that, in order to determine the most adequate level for the various caps, due consideration should be given to the need to create incentives for alternative providers to enter the market so that market dynamics would yield more competitive prices, while at the same time ensuring that consumers are protected from excessive price levels.
- **Price cap withdrawal mechanism**: delegations put questions regarding the proposed date for their expiration (2016 for retail caps), which for some delegations would be premature as the structural solutions might not yet be fully in place and competition might not yet be sufficiently developed in the roaming market. Whereas some delegations were not clear about the need for a threshold, other delegations questioned the level of 75% for the threshold for earlier removal of the caps, i.e. if average wholesale charges based on off-net unbalanced traffic would fall to 75% or less of the caps they will be withdrawn. Some delegations plead in favour of tightening the threshold to 50% rather than 75% of the retail price cap as the proposed price caps may be too high to indicate competition across the EU.
- **Review mechanism**: many delegations felt that the proposed date of 30 June 2015 for the Commission to report on the functioning of the Regulation would be too early to usefully assess the impact of the structural measures on competition. Concerning the review of the Regulation, various delegations submitted initial views as to its scope and timing but also pointed out that these suggested adjustments would depend on the Council's final position regarding the level and duration of the price caps.
- **Transparency and safeguard mechanism**: delegations appeared to agree with the new possibility in the Roaming proposal to easily opt out from the automatic message service as certain customers might be well informed about roaming charges. With regard to bill-shocks and the cut-off limit, some delegations pointed out that, although certain pre-paid customers know the amount of credit available to them and are therefore less likely to suffer from bill shocks, there could still be a need to apply the cut-off limit to other pre-paid customers. A considerable number of delegations called for an extension of the information requirements and the transparency mechanism provided for in the draft Regulation to the use of data roaming services outside the Union.

Roaming on public mobile communications networks within the Union. Recast

2011/0187(COD) - 02/05/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Angelika NIEBLER (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (recast).

The committee recommends that the position of the European Parliament in first reading following the ordinary legislative procedure should be to amend the Commission proposal. The proposed amendments are the result of negotiations between members of the committee and Member States' representatives. They may be summarised as follows:

Subject matter and scope: it is specified that the Regulation lays down rules to enable the **separate sale of regulated roaming services from domestic mobile communications services** and sets out the conditions for wholesale access to public mobile communications networks for the purpose of providing regulated roaming services. It applies both to charges levied by network operators at wholesale level and to charges levied by roaming providers at retail level.

The amended text states that the separate sale of regulated roaming services from domestic mobile communications services is a necessary **intermediate step** to increase competition so as to lower roaming tariffs for customers in order to achieve an internal market for mobile communication services and ultimately for there to be **no differentiation between national and roaming tariffs.**

With regard to maximum wholesale charges fixed in the Regulation, the limits in currencies other than the euro shall be revised annually as from 2015. The annually revised limits in those currencies shall apply from 1 July using the reference exchange rates published on 1 May of the same year.

Where maximum retail charges are denominated in **currencies other than the euro**, the initial limits shall be determined in those currencies by applying the average of the reference exchange rates published on 1 March, 1 April and 1 May 2012 by the European Central Bank in the Official Journal of the European Union.

Definitions: 'roaming provider' means an undertaking that provides a roaming customer with regulated retail roaming services. The text introduces a definition of **'visited network'** which means a terrestrial public mobile communications network situated in a Member State other than that of the roaming customer's domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator.

'Roaming customer' means a customer of a roaming provider of regulated roaming services, by means of a terrestrial public mobile communications network situated in the Union, whose contract or arrangement with that roaming provider permits Union-wide roaming.

Lastly, the text introduces a definition of '**Euro-voice tariff**'.

Wholesale roaming access: mobile network operators may refuse requests for wholesale roaming access only on the basis of **objective criteria**. Mobile network operators shall provide the undertaking requesting access with a **draft contract**, for such access at the latest one month after the initial receipt of the request by the mobile network operator.

By 30 September 2012, and in order to contribute to the consistent application of this Article, he Body of European Regulators for Electronic Communications (BEREC) shall, after consulting stakeholders and in close cooperation with the Commission, lay down **guidelines** for wholesale roaming access.

Separate sale of regulated retail roaming services: domestic providers shall enable their customers to access regulated voice, SMS and data roaming services, provided as a bundle by any alternative roaming provider.

Neither domestic nor roaming providers **shall prevent customers** from accessing regulated data roaming services provided directly on a network visited by an alternative roaming provider.

The switch to an alternative roaming provider or between roaming providers **shall be free of charge for customers and shall be possible under any tariff plan.** It shall not entail any associated subscription or additional fixed or recurring charges, pertaining to elements of the subscription other than roaming, as compared to the conditions prevailing before the switch.

- At the time of making or renewing a contract on mobile communication services, domestic providers shall provide all their customers individually with full information on the possibility to choose an alternative roaming provider and shall not hinder the conclusion of a contract with an alternative roaming provider.
- Customers concluding a contract with a domestic provider for regulated roaming services shall explicitly confirm that they have been informed of such possibility.
- A domestic provider **shall not prevent, dissuade or discourage retailers** serving as the domestic provider's points of sale from offering contracts for separate roaming services with alternative roaming providers.
- The technical characteristics of regulated roaming services **shall not be altered** in such a way as to make them differ from the technical characteristics of the regulated roaming services, including the quality parameters, as provided to the customer before the switch.

Implementation of separate sale of regulated retail roaming services: domestic providers shall implement the separate sale of regulated retail roaming services so that customers can use domestic mobile communication services and separate regulated roaming services. **Access to those facilities and support services** that are necessary for the separate sale of regulated roaming services, including user authentication services, shall be free of charge and shall not entail any direct charges to customers.

The technical solution to implement the separate sale of regulated retail roaming services shall meet certain specified criteria, including ability to give effect to the obligations regarding separate sale of regulated retail roaming services in an efficient manner.

Committee procedure: the Commission shall be assisted by the Communications Committee established by Article 22 of the Framework Directive. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Wholesale charges for the making of regulated roaming calls: the average wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive inter alia of origination, transit and termination costs, shall not exceed **EUR 0.14 per minute as of 1 July 2012.**

The average wholesale charge referred to above shall apply between any pair of operators and shall be calculated over a 12-month period or any such shorter period as may remain before the end of the period of application of a maximum average wholesale charge or before 30 June 2022. **The maximum average wholesale charge shall decrease to EUR 0.10 on 1 July 2013 and to EUR 0.05 on 1 July 2014 and shall remain at EUR 0.05 until 30 June 2022**.

Retail charges for regulated roaming calls: roaming providers shall make available and actively offer to all their roaming customers, clearly and transparently, a Euro-voice tariff. That tariff shall not entail any associated subscription or other fixed or recurring charges and may be combined with any retail tariff.

The retail charge (excluding VAT) for a **Euro-voice tariff** may vary for any roaming call but shall not exceed **EUR 0.29 per minute for any call made or EUR 0.08 per minute for any call received.**

The maximum retail charge for calls made shall **decrease to EUR 0.24 on 1 July 2013** and to **EUR 0.19 on 1 July 2014** and the maximum retail charge for calls received shall decrease to **EUR 0.07 on 1 July 2013 and to EUR 0.05 on 1 July 2014**. These maximum retail charges for the Euro-voice tariff shall remain valid until 30 June 2017.

Roaming providers:

- shall not levy any charge on their roaming customers for the receipt by them of a roaming voicemail message;

- shall charge its roaming customers for the provision of any regulated roaming call to which a Euro-voice tariff applies, whether made or received, on a per second basis;

- may apply an initial minimum charging period not exceeding 30 seconds to calls made which are subject to a Euro-voice tariff.

Furthermore, roaming providers:

- shall apply a Euro-voice tariff to all existing roaming customers automatically with the exception of such roaming customers who have already made a deliberate choice of a specific roaming tariff or package by virtue of which they benefit from a different tariff for regulated roaming calls than they would have been accorded in the absence of such a choice;

- shall apply a Euro-voice tariff to all new roaming customers who do not make a deliberate choice to select a different roaming tariff or a tariff package for roaming services which includes a different tariff for regulated roaming calls.

Any roaming customer may request to switch to or from a Euro-voice tariff.

A roaming provider may delay a switch until the previous roaming tariff has been effective for a **minimum specified period not exceeding two months**. A Euro-voice tariff may always be combined with a Euro-SMS tariff and a Euro-data tariff.

Wholesale charges for regulated roaming SMS messages: with effect from 1 July 2012, the average wholesale charge that the visited network operator may levy for the provision of a regulated roaming SMS message originating on that visited network shall not exceed **EUR 0.03 per SMS message**, shall **decrease to EUR 0.02 on 1 July 2013** and shall **remain at EUR 0.02 until 30 June 2022.**

Retail charges for regulated roaming SMS messages: with effect from 1 July 2012, the retail charge (excluding VAT) for a Euro-SMS tariff which a roaming provider may levy on its roaming customer for a regulated roaming SMS message sent by that roaming customer may vary for any regulated roaming SMS message but shall **not exceed EUR 0.09**. That maximum charge shall **decrease to EUR 0.08 on 1 July 2013** and **to EUR 0.06 on 1 July 2014** and shall **remain at EUR 0.06 until 30 June 2017**.

Roaming providers: (i) shall not levy any charge on their roaming customers for the receipt by them of a regulated roaming SMS message; (ii) may delay a switch until the previous roaming tariff has been effective for a minimum specified period not exceeding two months. A Euro-SMS tariff may always be combined with a Euro-voice tariff and a Euro-data tariff.

No roaming provider, domestic provider, home network operator or visited network operator shall alter the technical characteristics of regulated roaming SMS messages in such a way as to make them differ from the technical characteristics of SMS messages provided within its domestic market.

Wholesale charges for regulated data roaming services: with effect from 1 July 2012, the average wholesale charge that the visited network operator may levy on the roaming customer's home provider for the provision of regulated data roaming services by means of that visited network shall not exceed a **safeguard limit of EUR 0.25 per megabyte of data transmitted**. The safeguard limit shall **decrease to EUR 0.15 per megabyte of data transmitted on 1 July 2013** and to **EUR 0.05 per megabyte of data transmitted on 1 July 2014** and shall **remain at EUR 0.05 per megabyte of data transmitted until 30 June 2022.**

Retail charges for regulated data roaming services: roaming providers shall make available and actively offer to all their roaming customers, clearly and transparently, a Euro-data tariff.

With effect from 1 July 2012, the retail charge (excluding VAT) of a Euro-data tariff which a roaming provider may levy on its roaming customer for the provision of a regulated data roaming service shall not exceed **EUR 0.70 per megabyte used**. The maximum retail charge for data used shall **decrease to EUR 0.45 per megabyte used on 1 July 2013** and to **EUR 0.20 per megabyte used on 1 July 2014** and shall **remain at EUR 0.20 per megabyte used until 30 June 2017.**

Every roaming provider shall charge its roaming customers for the provision of any regulated roaming data service to which a Euro-data tariff applies on a per kilobyte basis, **except for Multimedia Messaging Service (MMS) messages** which may be charged on a per unit basis. In such a case, the retail charge which a roaming provider may levy on its roaming customer for the transmission or receipt of a roaming MMS message shall not exceed the maximum retail charge set in the Regulation.

Transparency of retail charges for roaming calls and SMS messages: to alert roaming customers to the fact that they will be subject to roaming charges when making or receiving a call or when sending an SMS message, each roaming provider shall provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when he enters a Member State other than that of his domestic provider, with basic personalised pricing information on the roaming charges (including VAT) that apply to the making and receiving of calls and to the sending of SMS messages by that customer in the Member State visited.

That basic personalised pricing information shall include the maximum charges **(in the currency of the home bill provided by the customer's domestic provider)** to which the customer may be subject under his tariff scheme for:

- making regulated roaming calls within the visited Member State and back to the Member State of his domestic provider, as well as for regulated roaming calls received; and

- sending regulated roaming SMS messages while in the Member State visited.

These provisions shall also apply to voice and SMS roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.

Transparency and safeguard mechanisms for retail data roaming services: where appropriate, roaming providers shall inform their customers, before the conclusion of a contract and on a regular basis thereafter, of the risk of automatic and uncontrolled data roaming connection and download. Furthermore, roaming providers shall notify to their customers, free of charge and in a clear and easily understandable manner, how to switch off these automatic data roaming connections in order to avoid uncontrolled consumption of data roaming services.

Review: the Commission shall review the functioning of this Regulation and, after a public consultation, shall report to the European Parliament and the Council by **30 June 2016**. In so doing, the Commission shall review, inter alia:

- the developments and expected future trends in wholesale and retail charges for the provision to roaming customers of voice, SMS and data communication services, in comparison to the charges for mobile communications services at domestic level in the Member States, both for pre-paid and post-paid customers separately, and in the quality and speed of these services;
- the difference between roaming and national tariffs, including the availability of offers providing a single tariff for national and roaming services;
- the extent to which the implementation of the structural measures provided for in the Regulation has produced results in developing competition in the internal market for roaming services to the extent that the difference between roaming and national tariffs has approached zero;
- the extent to which the level of wholesale and retail maximum charges has provided adequate safeguards against excessive prices for consumers while allowing the development of competition in the internal market for roaming services.

If the report shows that the structural measures provided for by the Regulation have not been sufficient to promote competition in the internal market for roaming services for the benefit of all European consumers or that the differences between roaming tariffs and national tariffs have not approached zero, the **Commission shall make appropriate proposals to the European Parliament and the Council** to address this situation and thus achieve an internal market for mobile communication services, ultimately with there being no difference between national and roaming tariffs.

Roaming on public mobile communications networks within the Union. Recast

2011/0187(COD) - 10/05/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 578 votes to 10 with 10 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (recast).

Parliament adopted its position in first reading following the ordinary legislative procedure.

The amendments adopted in plenary are the result of a compromise agreement between Parliament and Council. They amend the Commission proposal as follows:

Subject matter and scope: it is specified that the Regulation lays down rules to enable the **separate sale of regulated roaming services from domestic mobile communications services** and sets out the conditions for wholesale access to public mobile communications networks for the purpose of providing regulated roaming services. It applies both to charges levied by network operators at wholesale level and to charges levied by roaming providers at retail level.

The amended text states that the separate sale of regulated roaming services from domestic mobile communications services is a necessary **intermediate step** to increase competition so as to lower roaming tariffs for customers in order to achieve an internal market for mobile communication services and ultimately for there to be **no differentiation between national and roaming tariffs.**

Definitions: 'roaming provider' means an undertaking that provides a roaming customer with regulated retail roaming services. The text introduces a definition of **'visited network'** which means a terrestrial public mobile communications network situated in a Member State other than that of the roaming customer's domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator.

'Roaming customer' means a customer of a roaming provider of regulated roaming services, by means of a terrestrial public mobile communications network situated in the Union, whose contract or arrangement with that roaming provider permits Union-wide roaming.

Lastly, the text introduces a definition of '**Euro-voice tariff**'.

Wholesale roaming access: mobile network operators may refuse requests for wholesale roaming access only on the basis of **objective criteria**. Mobile network operators shall provide the undertaking requesting access with a **draft contract**, for such access at the latest one month after the initial receipt of the request by the mobile network operator.

By 30 September 2012, and in order to contribute to the consistent application of this Article, he Body of European Regulators for Electronic Communications (BEREC) shall, after consulting stakeholders and in close cooperation with the Commission, lay down **guidelines** for wholesale roaming access.

Mobile network operators shall publish a reference offer, taking into account the BEREC guidelines, and make it available to an undertaking requesting wholesale roaming access.

Separate sale of regulated retail roaming services: from 1 July 2014, domestic providers shall enable their customers to access regulated voice, SMS and data roaming services, provided as a bundle by any alternative roaming provider.

Neither domestic nor roaming providers **shall prevent customers** from accessing regulated data roaming services provided directly on a network visited by an alternative roaming provider.

Roaming customers shall have the right to switch roaming provider at any time. Where a roaming customer chooses to switch roaming provider, the switch shall be carried out without undue delay, but under no circumstances exceeding three working days from the conclusion of the agreement with the new roaming provider.

The switch to an alternative roaming provider or between roaming providers **shall be free of charge for customers and shall be possible under any tariff plan.** It shall not entail any associated subscription or additional fixed or recurring charges, pertaining to elements of the subscription other than roaming, as compared to the conditions prevailing before the switch.

A domestic provider **shall not prevent, dissuade or discourage retailers** serving as the domestic provider's points of sale from offering contracts for separate roaming services with alternative roaming providers.

The technical characteristics of regulated roaming services **shall not be altered** in such a way as to make them differ from the technical characteristics of the regulated roaming services, including the quality parameters, as provided to the customer before the switch.

Implementation of separate sale of regulated retail roaming services: from 1 July 2014 domestic providers shall implement the separate sale of regulated retail roaming services so that customers can use domestic mobile communication services and separate regulated roaming services. **Access to those facilities and support services** that are necessary for the separate sale of regulated roaming services, including user authentication services, shall be free of charge and shall not entail any direct charges to customers.

The technical solution to implement the separate sale of regulated retail roaming services shall meet certain specified criteria. These include:

- consumer friendliness, in particular allowing consumers to easily and quickly switch to an alternative roaming provider while keeping their existing mobile phone number and while using the same mobile device;
- ability to serve all categories of consumer demand on competitive terms, including intensive usage of data services;
- allowing a maximum degree of interoperability;
- user friendliness, in particular in respect of the customers' technical handling of the mobile device when changing networks;
- ensuring that roaming by Union customers in third countries or by third country customers in the Union is not impeded;
- ensuring that the rules on protection of privacy, personal data, security and integrity of networks and transparency required by the Framework Directive and the Specific Directives are respected;

Wholesale charges for the making of regulated roaming calls: the average wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive inter alia of origination, transit and termination costs, shall not exceed **EUR 0.14 per minute as of 1 July 2012.**

The average wholesale charge referred to above shall apply between any pair of operators and shall be calculated over a 12-month period or any such shorter period as may remain before the end of the period of application of a maximum average wholesale charge or before 30 June 2022. **The maximum average wholesale charge shall decrease to EUR 0.10 on 1 July 2013 and to EUR 0.05 on 1 July 2014 and shall remain at EUR 0.05 until 30 June 2022**.

Retail charges for regulated roaming calls: roaming providers shall make available and actively offer to all their roaming customers, clearly and transparently, a Euro-voice tariff. That tariff shall not entail any associated subscription or other fixed or recurring charges and may be combined with any retail tariff.

From 1 July 2012, the retail charge (excluding VAT) for a **Euro-voice tariff** may vary for any roaming call but shall not exceed **EUR 0.29 per minute for any call made or EUR 0.08 per minute for any call received.**

The maximum retail charge for calls made shall **decrease to (i) EUR 0.24 on 1 July 2013** and to **EUR 0.19 on 1 July 2014** and (ii) for calls received shall decrease to **EUR 0.07 on 1 July 2013 and to EUR 0.05 on 1 July 2014**. These maximum retail charges for the Euro-voice tariff shall remain valid until 30 June 2017.

Roaming providers:

- shall not levy any charge on their roaming customers for the receipt by them of a roaming voicemail message;
- shall charge its roaming customers for the provision of any regulated roaming call to which a Euro-voice tariff applies, whether made or received, on a per second basis;

- may apply an initial minimum charging period not exceeding 30 seconds to calls made which are subject to a Euro-voice tariff.

Any roaming customer may request to switch to or from a Euro-voice tariff.

A roaming provider may delay a switch until the previous roaming tariff has been effective for a **minimum specified period not exceeding two months**. A Euro-voice tariff may always be combined with a Euro-SMS tariff and a Euro-data tariff.

Wholesale charges for regulated roaming SMS messages: with effect from 1 July 2012, the average wholesale charge that the visited network operator may levy for the provision of a regulated roaming SMS message originating on that visited network shall not exceed **EUR 0.03 per SMS message**, shall **decrease to EUR 0.02 on 1 July 2013** and shall **remain at EUR 0.02 until 30 June 2022.**

Retail charges for regulated roaming SMS messages: with effect from 1 July 2012, the retail charge (excluding VAT) for a Euro-SMS tariff may vary for any regulated roaming SMS message but shall **not exceed EUR 0.09**. That maximum charge shall **decrease to EUR 0.08 on 1 July 2013** and **to EUR 0.06 on 1 July 2014** and shall **remain at EUR 0.06 until 30 June 2017**.

Roaming providers: (i) shall not levy any charge on their roaming customers for the receipt by them of a regulated roaming SMS message; (ii) may delay a switch until the previous roaming tariff has been effective for a minimum specified period not exceeding two months. A Euro-SMS tariff may always be combined with a Euro-voice tariff and a Euro-data tariff.

No roaming provider, domestic provider, home network operator or visited network operator shall alter the technical characteristics of regulated roaming SMS messages in such a way as to make them differ from the technical characteristics of SMS messages provided within its domestic market.

Wholesale charges for regulated data roaming services: with effect from 1 July 2012, the average wholesale charge that the visited network operator may levy on the roaming customer's home provider for the provision of regulated data roaming services by means of that visited network shall not exceed a **safeguard limit of EUR 0.25 per megabyte of data transmitted**. The safeguard limit shall **decrease to EUR 0.15 per megabyte of data transmitted on 1 July 2013** and to **EUR 0.05 per megabyte of data transmitted on 1 July 2014** and shall **remain at EUR 0.05 per megabyte of data transmitted until 30 June 2022.**

Retail charges for regulated data roaming services: roaming providers shall make available and actively offer to all their roaming customers, clearly and transparently, a Euro-data tariff.

With effect from 1 July 2012, the retail charge (excluding VAT) of a Euro-data tariff which a roaming provider may levy on its roaming customer for the provision of a regulated data roaming service shall not exceed **EUR 0.70 per megabyte used**. The maximum retail charge for data used shall **decrease to EUR 0.45 per megabyte used on 1 July 2013** and to **EUR 0.20 per megabyte used on 1 July 2014** and shall **remain at EUR 0.20 per megabyte used until 30 June 2017.**

Every roaming provider shall charge its roaming customers for the provision of any regulated roaming data service to which a Euro-data tariff applies on a per kilobyte basis, except for Multimedia Messaging Service (MMS) messages which may be charged on a per unit basis. In such a case, the retail charge which a roaming provider may levy on its roaming customer for the transmission or receipt of a roaming MMS message shall not exceed the maximum retail charge set in the Regulation.

Transparency of retail charges for roaming calls and SMS messages: the basic personalised pricing information shall include the maximum charges **(in the currency of the home bill provided by the customer's domestic provider)** to which the customer may be subject under his tariff scheme for:

- making regulated roaming calls within the visited Member State and back to the Member State of his domestic provider, as well as for regulated roaming calls received; and
- sending regulated roaming SMS messages while in the Member State visited.

These provisions shall also apply to voice and SMS roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.

Roaming providers shall take measures to:

- secure awareness by all their roaming customers of the availability of the Euro-voice tariff and the Euro-SMS tariff. The information provided shall be sufficiently detailed for customers to judge whether or not it is beneficial for them to switch to a Eurotariff;
- make available information to their customers on how to avoid inadvertent roaming in border regions. - protect their customers from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State.

Transparency and safeguard mechanisms for retail data roaming services: where appropriate, roaming providers shall notify to their customers, free of charge and in a clear and easily understandable manner, how to switch off these automatic data roaming connections in order to avoid uncontrolled consumption of data roaming services.

In addition, where the customer opts for the facility providing information on accumulated consumption the requirements provided the Regulation shall not apply if the visited network operator in the visited country outside the Union does not allow the roaming provider to monitor its customers‘ usage on a real-time basis. In such a case the customer shall be notified by an SMS message when entering such a country, without undue delay and free of charge, that information on accumulated consumption and the guarantee not to exceed a specified financial limit are not available.

Review: the Commission shall review the functioning of this Regulation and, after a public consultation, shall report to the European Parliament and the Council by **30 June 2016**. In so doing, the Commission shall review, inter alia:

- whether competition has sufficiently developed in order to justify the expiry of maximum retail charges;
- the developments and expected future trends in wholesale and retail charges for the provision to roaming customers of voice, SMS and data communication services, in comparison to the charges for mobile communications services at domestic level in the Member States, both for pre-paid and post-paid customers separately, and in the quality and speed of these services;
- the difference between roaming and national tariffs, including the availability of offers providing a single tariff for national and roaming services;
- the extent to which the implementation of the structural measures provided for in the Regulation has produced results in developing competition in the internal market for roaming services to the extent that the difference between roaming and national tariffs has approached zero;
- the extent to which the level of wholesale and retail maximum charges has provided adequate safeguards against excessive prices for consumers while allowing the development of competition in the internal market for roaming services.

If the report shows that the structural measures provided for by the Regulation have not been sufficient to promote competition in the internal market for roaming services for the benefit of all European consumers or that the differences between roaming tariffs and national tariffs have not approached zero, the **Commission shall make appropriate proposals to the European Parliament and the Council** to address this situation and thus achieve an internal market for mobile communication services, ultimately with there being no difference between national and roaming tariffs.

Roaming on public mobile communications networks within the Union. Recast

2011/0187(COD) - 13/06/2012 - Final act

PURPOSE: to establish a common, harmonised approach to ensure that users of terrestrial public mobile communication networks when travelling within the Union do not pay excessive prices for Union-wide roaming services.

LEGISLATIVE ACT: Regulation (EU) No 531/2012 of the European Parliament and of the Council on roaming on public mobile communications networks within the Union.

CONTENT: following agreement in first reading, the Council and the European Parliament adopted a Regulation on roaming on public mobile communications networks within the EU.

The new legislation revises Regulation (CE) n° 717/2007, which expires on 30 June 2012: it introduces competitive structural measures and extends the validity of the measures until 30 June 2022.

Purpose and scope: the new Regulation:

- lays down the rules for the **separate sale of roaming services** from customers' domestic mobile package. **From 1 July 2014,** customers will be allowed to sign up for an alternative mobile roaming offer, separate from their contract for national mobile services, whilst using the same phone number. Roaming customers shall **have the right to switch roaming provider at any time**. The switch shall be carried out without undue delay, and under no circumstances exceeding **three working days** from the conclusion of the agreement with the new roaming provider. The switch to an alternative roaming provider shall be **free of charge** for customers and shall be possible under any tariff plan;
- sets out the **conditions for wholesale access to public mobile communications networks** to provide roaming services;
- lays down **transitory rules on the charges that may be levied** by roaming providers for the provision of regulated roaming services for voice calls and SMS messages originating and terminating within the Union and for packet switched data communication services used by roaming customers while roaming on a mobile communications network within the Union;
- allows for a reasonable margin between the tariff ceilings for wholesale and retail prices in order to allow other operators access to the market;
- lays down rules aimed at **increasing price transparency and improving the provision of information on charges to users** of roaming services. Roaming providers should, amongst other things, take the necessary measures to: (i) actively bring to the attention of the customers information about the Eurotariff voicemail and Eurotariff SMS; (ii) provide adequate information in order to empower customers to actively prevent instances of inadvertent roaming in border regions; (iii) take reasonable steps to protect their customers from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State.

The Body of European Regulators for Electronic Communications (BEREC) will take part in the technical implementation of the Regulation.

The Regulation states that the separate sale of regulated roaming services from domestic mobile communications services is a **necessary intermediate step** to increase competition so as to lower roaming tariffs for customers in order to achieve an internal market for mobile communication services and ultimately for there to be no differentiation between national and roaming tariffs.

The price caps are as follows:

Phone calls:

- From July 2012: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.29 per minute for calls made and EUR 0.08 per minute for calls received. ***Wholesale prices*** (charged between operators) EUR 0.14 per minute.
- From July 2013: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.24 per minute for calls made and EUR 0.07 for calls received. ***Wholesale prices*** (charged between operators) EUR 0.10 per minute.
- From July 2014: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.19 per minute for calls made and EUR 0.05 for calls received. ***Wholesale prices*** (charged between operators): EUR 0.05 per minute.

SMS messages:

- From July 2012: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.09 per SMS message. ***Wholesale prices*** (charged between operators): EUR 0.03
- From July 2013: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.08 per SMS message. ***Wholesale prices*** (charged between operators): EUR 0.02
- From July 2014: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.06 per SMS message. ***Wholesale prices*** (charged between operators): EUR 0.02

Data roaming:

- From July 2012: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.70 per megabyte. ***Wholesale prices*** (charged between operators): EUR 0.25 per megabyte
- From July 2013: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.45 per megabyte. ***Wholesale prices*** (charged between operators): EUR 0.15 per megabyte
- From July 2014: ***Retail prices*** (excluding VAT) (charged to consumers): EUR 0.20 per megabyte. ***Wholesale prices*** (charged between operators): EUR 0.05 per megabyte

Review: the Commission shall review the functioning of the Regulation and, after a public consultation, shall report to the European Parliament and the Council **by 30 June 2016.**

If the report shows that the structural measures provided for by the Regulation have not been sufficient to promote competition in the internal market or that the differences between roaming tariffs and national tariffs have not approached zero, the Commission shall make **appropriate proposals** to the European Parliament and the Council to address this situation.

ENTRY INTO FORCE: 01/07/2012.

DATE OF EXPIRY: 30/06/2022.