


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2006/0133(COD) Procedure completed
Electronic communications: regulatory framework for networks and services, reductions on mobile roaming charges across the Community	
Amending Directive 2002/21/EC Amended by Repealed by	<a href="#">2000/0184(COD)</a> <a href="#">2008/0187(COD)</a> <a href="#">2011/0187(COD)</a>
Subject	3.30.05 Electronic and mobile communications, personal communications

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ITRE</b> Industry, Research and Energy (Associated committee)	PPE-DE <a href="#">RÜBIG Paul</a>	12/09/2006
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ECON</b> Economic and Monetary Affairs	ALDE <a href="#">LOSCO Andrea</a>	25/09/2006
	<b>IMCO</b> Internal Market and Consumer Protection (Associated committee)	PSE <a href="#">MUSCAT Joseph</a>	04/10/2006
	<b>CULT</b> Culture and Education	PPE-DE <a href="#">MAVROMMATIS Manolis</a>	12/09/2006
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2811</a>	25/06/2007
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2805</a>	06/06/2007
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2772</a>	11/12/2006
European Commission	Commission DG	Commissioner	
	<a href="#">Communications Networks, Content and Technology</a>	REDING Viviane	

Key events			
05/09/2006	Committee referral announced in Parliament, 1st reading		
26/10/2006	Referral to associated committees announced in Parliament		
11/12/2006	Debate in Council	<a href="#">2772</a>	Summary
12/04/2007	Vote in committee, 1st reading		Summary
20/04/2007	Committee report tabled for plenary, 1st reading	<a href="#">A6-0155/2007</a>	
23/05/2007	Results of vote in Parliament		

23/05/2007	Debate in Parliament		
23/05/2007	Decision by Parliament, 1st reading	<a href="#">T6-0199/2007</a>	Summary
25/06/2007	Act adopted by Council after Parliament's 1st reading		
27/06/2007	Final act signed		
27/06/2007	End of procedure in Parliament		
29/06/2007	Final act published in Official Journal		

### Technical information

Procedure reference	2006/0133(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Directive 2002/21/EC <a href="#">2000/0184(COD)</a> Amended by <a href="#">2008/0187(COD)</a> Repealed by <a href="#">2011/0187(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/6/39855

### Documentation gateway

Legislative proposal		<a href="#">COM(2006)0382</a>	12/07/2006	EC	Summary
Document attached to the procedure		<a href="#">SEC(2006)0925</a>	12/07/2006	EC	
Document attached to the procedure		<a href="#">SEC(2006)0926</a>	12/07/2006	EC	
Economic and Social Committee: opinion, report		<a href="#">CES1367/2006</a>	26/10/2006	ESC	
Committee draft report		<a href="#">PE384.334</a>	09/02/2007	EP	
Amendments tabled in committee		PE386.577	21/03/2007	EP	
Committee opinion	<b>ECON</b>	PE382.555	22/03/2007	EP	
Amendments tabled in committee		<a href="#">PE386.538</a>	26/03/2007	EP	
Committee opinion	<b>CULT</b>	PE382.590	29/03/2007	EP	
Committee opinion	<b>IMCO</b>	PE382.625	29/03/2007	EP	
Amendments tabled in committee		<a href="#">PE384.658</a>	29/03/2007	EP	
Amendments tabled in committee		PE388.543	16/04/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0155/2007</a>	20/04/2007	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0199/2007</a>	23/05/2007	EP	Summary

Commission response to text adopted in plenary		SP(2007)3179	14/06/2007	EC	
Draft final act		<a href="#">03624/2007</a>	27/06/2007	CSL	

<b>Additional information</b>					
National parliaments		<a href="#">IPEX</a>			
European Commission		<a href="#">EUR-Lex</a>			

<b>Final act</b>					
<a href="#">Regulation 2007/717</a>					
<a href="#">OJ L 171 29.06.2007, p. 0032</a> Summary					

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

**PURPOSE** : to amend the existing regulatory framework for electronic communications to provide the necessary legal basis for effective and timely action to bring about substantial reductions in the level of

mobile roaming charges across the Community in a harmonised manner.

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

**CONTEXT** : the ability of customers of mobile electronic communications services to use their mobile handsets to make and receive calls while travelling abroad ('international roaming') is an important component of the service, and contributes to the social and economic welfare of the Community as a whole. However, the high prices that mobile users pay for this service has been identified as a persistent problem by consumer organisations, regulators and policy makers across the Community.

The Commission has been working on reducing mobile roaming charges for several years, with consumer warnings and calls for self-regulation, competition law investigations and by empowering national regulators to take action at national level. However, because of the cross-border nature of roaming, the results of these initiatives have so far been limited. It is now time for Europe to take serious action. Very high international mobile roaming charges currently affect 147 million EU citizens (37 million tourists and 110 million business customers).

**CONTENT** : the proposal provides for the establishment, on the basis of the 'European Home Market Approach', of common, Community-wide maximum price limits on the charges that mobile network operators may levy for the wholesale provision of mobile roaming services for mobile voice telephony calls made from a visited network in the Community and terminating on a public telephone network also located within the Community.

The maximum price limits take account of the differences in the underlying costs of providing international roaming services for calls made to a destination within a visited country, on the one hand, and calls made back home or to a third country within the Community, on the other. The proposal therefore provides for a lower wholesale price limit for the former category of calls (set at twice the Community average mobile termination rate for mobile network operators designated as having significant market power) and a higher price limit for the latter category (set at three times the Community average mobile termination rate for such operators). In order to ensure that there is no price squeeze in the provision of mobile roaming services at retail level, the proposal also provides for safeguard price limits at the retail level for the same categories of roaming call, set at 130% of the applicable wholesale limit.

In accordance with the 'European Home Market Approach' and in order to ensure that charges payable by roaming customers for receiving calls while roaming abroad in the Community more closely reflect the underlying costs incurred by their home mobile provider in providing this service, the proposal also provides that those charges should not exceed a maximum price limit.

The price limits provided with regard to the retail charges for the making of regulated roaming calls will take effect as a matter of law six months after the entry into force of the proposed measure.

The proposal promotes transparency for retail charges by introducing an obligation on mobile providers to give personalised information on retail roaming charges to their roaming customers on request and free of charge. Each customer may choose whether to receive the information by means of an SMS (Short Message Service) or orally over their mobile telephone. In addition, mobile providers are obliged to give information on roaming charges when subscriptions are taken out, on a periodic basis and when there are substantial changes to roaming charges.

The proposal also gives national regulatory authorities the power and responsibility to enforce compliance, in line with their existing roles under the Community regulatory framework for electronic communications. It also gives them the task of monitoring developments in retail and wholesale prices for the provision of voice and data communications services, including SMS and MMS (Multimedia Message Service), to mobile customers when roaming in the Community.

Finally, the proposal amends the provisions of the existing regulatory framework, notably the Framework Directive (2002/21/EC), to recognise the specific status of the measures contained in the proposal within that framework and to ensure that the general provisions of the framework continue to apply to roaming services regulated by the proposal (subject to its specific requirements).

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

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The Council held a policy debate, on the basis of a Presidency questionnaire, on a proposal for a 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 Presidency drew conclusions of the discussion as follows: it is broadly agreed that legal intervention is necessary in order to bring the roaming costs to a moderate level, and the Commission proposal is a step to the right direction. Transparency in prices can for its part help in solving the problem. It would increase customer satisfaction, and thus be also beneficial for the operators. However, transparency alone cannot solve the problem of high roaming costs, regulation of tariffs is also needed. This regulation must be such that all consumers can benefit of speedy and substantial decreases in the prices. It must be assured, however, that competitiveness of the market will not be endangered. The regulation of the tariffs must be clear and simple, and the operators must be left the possibility of flexible pricing.

More detailed discussions are still needed. It is hoped that a solution - together with the European Parliament - is found speedily and the Council will support the future German Presidency in its efforts to do this.

The work on the proposal in Council's preparatory bodies will continue under the forthcoming German Presidency. The negotiations with the European Parliament in view of a first reading agreement will also start at the beginning of 2007.

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

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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.

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

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The European Parliament passed by a show of hands a resolution drafted by Paul RÜBIG (EPP-ED, AT) amending 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. Parliament had agreed on a series of compromise amendments with Council. The main amendments were as follows:

- the Regulation's intention is to preserve both incentives for innovation and consumer choice. A new clause states that the Regulation also lays down rules aimed at increasing price transparency and improving the provision of information on charges to users of Community-wide roaming services;

- Parliament introduced a definition of "Eurotariff", meaning any tariff not exceeding the maximum charge which a home provider may levy for the provision of regulated roaming calls;

- Parliament set a ceiling on wholesale charges billed between operators, namely EUR 0.30 cents/minute in 2007, EUR 0.28 in 2008 and EUR 0.26 eurocents in 2009;

- the average wholesale charge will be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes sold for the provision of wholesale roaming calls within the Community by the relevant operator over the relevant period. The operator of the visited network is permitted to make a distinction between peak and off-peak charges;

- on retail charges, Parliament specified that the retail charge (excluding VAT) of a Eurotariff may vary for any roaming call but shall not exceed EUR 0.49 per minute for any call made or EUR 0.24 per minute for any call received. The price ceiling for calls made shall automatically be reduced to EUR 0.46 and EUR 0.43, and for calls received to EUR 0.22 and EUR 0.19 in 2008 and 2009 respectively;

- to recall, the Industry Committee preferred initially to have consumers opt into the system after being informed about the new rates by their operators. Parliament provided that all existing roaming customers must be given the opportunity, within one month following the entry into force of the Regulation, to opt deliberately for the tariff above or any other roaming tariff, and must make their choice known to their home provider within a period of two months. The requested tariff must be activated no later than one month after receipt by the home provider of the customer's request. Roaming customers who within that period of two months have not made their choice shall automatically be provided with a Eurotariff as set out above;

- however, roaming customers who, before the entry into force of the Regulation, had already made a deliberate choice of a specific roaming tariff or package, other than the roaming tariff on which they would be placed in the absence of such choice, and who fail to express a choice pursuant to this paragraph shall remain on their previously chosen tariff or package;

- all roaming customers may request, at any point after the process set out above has expired, to switch to or from a Eurotariff within one working day of the receipt of the request. Any switch must be made free of charge and shall not entail conditions or restrictions pertaining to other elements of the subscription. The home provider may delay the switch until the previous roaming tariff has been effective for a minimum specified period, which may not exceed three months.

- Parliament made several additions and amendments to the clause on transparency of retail charges. To alert a roaming customer to the fact that he will be subject to roaming charges when making or receiving a call, each home provider shall provide the customer, automatically, without undue delay and free of charge, when he enters another Member State, with personalised basic pricing information on the roaming charges (including VAT) that apply to the making and receipt of calls by that customer in the visited Member State by means of a Message Service. The personalised basic pricing information will include the maximum prices the customer may be subject to under his tariff scheme for making calls within the visited country and back home, as well as for calls received. A customer who has given notice that he does not require the automatic Message Service will have the right at any time and free of charge to require the home provider to provide the service again. Home providers shall offer blind or partially-sighted customers the information described in this paragraph automatically, by voice call, free of charge, if they so request. In addition, the customer shall have the right to request and receive, free of charge, more detailed personalised pricing information on the applicable roaming charges of voice calls, SMS, MMS and other data communication services, by means of a mobile voice call or by SMS. Such request shall be to a free of charge number designated for this purpose by the home provider. Home providers shall provide all users with full information on applicable roaming charges, in particular on the Eurotariff, when subscriptions are taken out. Home providers shall take the necessary steps to secure awareness by all their roaming customers of the availability of the Eurotariff. Within one month of entry into force of the Regulation, they must communicate to all roaming customers the conditions relating to the Eurotariff in a clear and unbiased manner. They shall send a reminder at reasonable intervals thereafter to all customers who have opted for another tariff;

- national regulatory authorities shall, in preparation for the review provided for in the Regulation, monitor developments in wholesale and retail charges for the provision to roaming customers of voice and data communications services, including SMS and MMS, including in the outermost region. The authorities shall also be alert to the particular case of involuntary roaming in cross-border regions of neighbouring Member States and monitor whether traffic steering techniques are used to the disadvantage of customers. They shall communicate the results of such monitoring to the Commission, including separate information on corporate, post-paid and pre-paid customers, every six months;

- the Commission must review the functioning of the Regulation and report to the European Parliament and the Council no later than eighteen months after the date of its entry into force. The Commission must evaluate in particular, whether the objectives of the 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 beyond the period set out in or to amend it, taking

into account the developments in charges for mobile voice and data communication services at national level and the effects of the Regulation on the competitive situation of smaller, independent or newly started operators. If the Commission finds that there is such a need, it shall submit a proposal to the Parliament and the Council;

- the Regulation will apply for three years after its entry into force.

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

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**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.