

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.