

## ERG Statement on International Roaming

ERG welcomes the achievement of Council and Parliament of early adoption of the Regulation proposed by the Commission on International Roaming, expected to be published in the Official Journal during June. It has considered the responsibilities assigned to national regulatory authorities (NRAs) and recognises the need for NRAs to co-operate closely amongst themselves and with the European Commission to ensure consistent application of the Regulation throughout Europe.

Transparency is at the heart of the Regulation, and better informed consumers will be able to make better decisions as to the roaming tariff that best suits their needs. Collecting, monitoring and publishing information on a consistent basis will therefore, be key to ensuring the Regulation is successful in delivering benefits to consumers. ERG has therefore agreed a common framework for information gathering by NRAs, using the statutory powers provided by the Regulation. In particular, ERG has identified a 'core' set of information that all NRAs will collect from national providers of international roaming services. The table below summarises the main areas for which data will be collected.

### *Initial cycle for information gathering*

| Information (first quarter)                                                                                                                                                      | Timing of request          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Input from providers on which of their existing tariffs would be considered as 'special' tariffs and covered by the Euro Tariff "opt-in" regime for the purposes of Article 4(3) | June 2007                  |
| Information from providers on the terms and conditions for a tariff package which they will offer as a Euro tariff as defined by Article 4(2)                                    | July 2007                  |
| Information from providers on their contact with consumers regarding the availability of a Euro tariff and customers rights to switch                                            | July 2007                  |
| Information (first bi-annual – benchmark data)                                                                                                                                   | Timing                     |
| Wholesale and retail revenue and volume figures for voice roaming services for previous 6 months                                                                                 | September/<br>October 2007 |
| Wholesale and retail revenue and volume figures for data (SMS/MMS/other data ) roaming services for previous 6 months                                                            | September/<br>October 2007 |

ERG considers there are two initial phases of information collection. The first, concerning the availability and switching of consumers to a Euro tariff will begin almost immediately – to give as much time and forewarning as possible to stakeholders on what is expected. This first round of information gathering will start with the provision of draft guidelines to be published soon after this Statement on identification of 'special' tariffs for the purposes of the Euro Tariff 'opt-in' regime.

The second part will see the start of the broader phase of information requirements, requesting more detailed data, for example on wholesale and retail volume and revenue information. ERG expects that NRAs will issue this broader information request in order to receive the information during autumn 2007. Further information requests to check compliance and monitor market trends will be sent at six monthly intervals. ERG will shortly publish a model specification for such information requests, which could be tailored by NRAs to fit national circumstances.

## **The Euro tariff - opt-in/out**

The Regulation has adopted a hybrid approach to the question of whether or not customers should be transferred automatically to a Euro Tariff when it is introduced.

Those consumers that had previously explicitly chosen to move from their provider's default roaming tariff would be offered a Euro Tariff but not automatically transferred to it ("Opt-in"). All other customers would be transferred automatically if they express no preference, but could later "opt-out". ERG considers that it may be helpful to explain its thinking on the interpretation of this provision and will soon publish a first guidance. Individual NRAs<sup>1</sup> will be in contact with national providers in the coming weeks to discuss which of the provider's tariffs are to be subject to the "opt-in" rule. Feedback from these discussions will be used to finalise the ERG guidelines.

### Other guidance

In order to assist market players to understand how NRAs will enforce this Regulation, ERG intends to publish additional guidance shortly on:

- (1) the process for offering and making available the Euro tariff to customers, including new customers.
- (2) provision of tariff information via 'push' SMS.

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## **NOTES FOR EDITORS**

The European Regulators Group (ERG) was created to act as an advisory group to help the European Commission develop the internal market for electronic communications and services and ensure the consistent application of the regulatory Framework.

The ERG takes into account in its work the objectives given to NRAs in Article 8 of the Framework Directive (2002/21/EC) to promote competition, contribute to the development of the internal market and promote the interests of EU citizens.

The ERG consists of European National Regulatory Authorities (NRAs). Its full members are the twenty-seven EU Member States whilst the four EFTA States (Switzerland, Norway, Iceland and Liechtenstein) and three EU Accession/Candidate States (Turkey, Croatia and Former Yugoslavian Republic of Macedonia) participate as observers.

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<sup>1</sup> In some countries, the Ministry or other NRA will be responsible for applying the Regulation. In this case, it is assumed that such Ministries or other bodies will contact national providers regarding the "opt-in" rule.