

SENATE OF THE ITALIAN REPUBLIC

XVIth LEGISLATURE

Doc. XVIII No 7

RESOLUTION OF PERMANENT COMMITTEE 8^a

(Public Works and Communications)

(Rapporteur: BUTTI)

approved on 14 January 2009

CONCERNING

**THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL AMENDING REGULATION (EC) NO 717/2007 ON
ROAMING ON PUBLIC MOBILE TELEPHONE NETWORKS WITHIN THE
COMMUNITY AND DIRECTIVE 2002/21/EC ON A COMMON
REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS
NETWORKS AND SERVICES (COM(2008) 580 FINAL**

within the meaning of Article 144(1) and (6) of the Regulation

Communicated to the President's Office on 16 January 2009

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Opinion

– of Permanent Committee 14^a » 5

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Committee 8^a having examined, within the meaning of Article 144(1) and (6) of the Regulation, the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 717/2007 on roaming on public telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services,

having taken note of the Communication to the European Parliament and the Council on the review of the functioning of Regulation (EC) No 717/2007, in which the Commission concluded that, while implementation of the Regulation has in general been smooth, the structural problems that constrain competitive forces in the roaming market have remained;

whereas data collected by the European Regulators Group (ERG), which includes all 27 EU national regulators (NRAs), show that prices for voice roaming calls at wholesale and retail level do not vary sufficiently below the maximum levels set by the Regulation to provide evidence of healthy competition;

whereas in its response to the Commission's public consultation on the review of the operation of Regulation (EC) No 717/2007 the ERG stated that it considered that regulation of SMS roaming was necessary, at both wholesale and retail levels, in order to bring prices more into line with costs and with domestic prices through arrangements similar to those for voice roaming;

taking into consideration data collected by the national regulatory authorities, which show that the average wholesale charges for data roaming services which the operator of a visited network levies from the operator of a roaming customer's home network seem to be gradually falling, but are still high;

whereas, although retail charges for data roaming services are very high, it would be premature at this stage to regulate them and it seems appropriate to introduce measures to make them more transparent;

whereas, in order to avoid serious "bill shocks" for consumers, mobile operators should, in conjunction with users, and free of charge, specify a maximum financial limit for the use of data roaming services, i.e. a "cut-off limit", and also issue warnings to users approaching this cut-off limit;

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Calls on the Government

to uphold the position already adopted within the relevant European forums, thus ensuring as rapid approval as possible of the current wording of the proposal to amend Regulation (EC) No 717/2007, which appears to reconcile the interests of consumers – also taking into account the current social and economic situation and the related need to safeguard family spending power – while providing for gradual measures that are not excessively harmful for the companies in the sector.

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OPINION OF PERMANENT COMMITTEE 14a

(EUROPEAN UNION POLICY)

(Rapporteur: Musso)

22 December 2008

The Committee, having examined the Community text,

whereas the proposal is in line with the assessment made by the European Commission in its Communication of 23 September 2008 reviewing the functioning of Regulation (EC) No 717/2007, with particular reference to the need to extend the Regulation for a further period of three years and to widen its scope to include intra-Community roaming services for sending data and SMSs;

whereas in its assessment, the Commission stresses that the billing practices applied by mobile operators to voice roaming calls, whereby calls are often charged on the basis of units of up to 60 seconds, represent a hidden charge to the consumer which the European Regulators Group (ERG) has estimated adds up to 20% to the total costs incurred, and that charges for data roaming services are also high compared with the charges for equivalent domestic services an/or the underlying costs of service provision and that this problem is compounded by a lack of transparency and of proper information for consumers;

taking account of the work carried out within the Committee of Permanent Representative (COREPER), from which it emerges that there is a clear need for examining the question of tighter consumer protection rules, in particular with regard to data roaming services;

as regards its sphere of responsibility, takes a favourable view of the general thrust of the proposed amendments, subject to the following observations:

generally speaking, the proposal seems to comply with the principles of subsidiarity and proportionality, in that the specific characteristics of the voice roaming market, which necessitated the measures adopted under Regulation (EC) No 717/2007, also need to be taken into account in relation to data and SMS roaming services within the Community, and a harmonised approach at Community level is the sole guarantee

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that consistent measures are adopted which offer maximum protection for the interests of consumers and companies in each and every Member State. Moreover, the proposed regulatory action will interfere as little as possible with the commercial behaviour of the companies concerned;

extending the scope of Regulation (EC) No 717/2007 to data and SMS roaming should guarantee greater efficiency and have a favourable impact in terms of ensuring both consumer protection and healthy inter-firm competition. In this connection, Committee 14^a has already expressed its views quite clearly in its opinion on the legislative proposal which gave rise to Regulation (EC) No 717/2007, stressing the advisability of extending the European home market approach to include data transmission services such as SMS (Short Message Service) messages and MMS (Multimedia Messaging Service) messages;

where data roaming is concerned, the European Commission's position, as reflected in its prudent decision that an upper limit should be established only for wholesale charges and that effective ways of ensuring transparency should be introduced, seems tenable given that it takes into account the state of flux in which this emerging and highly diversified market finds itself. On the other hand, only by regulating the entire roaming sector (possibly gradually) can maximum consumer protection be guaranteed in this particularly sensitive area. The compromise text produced by the French Presidency which, while maintaining the European Commission's approach, introduces further provisions to guarantee consumer protection, and in particular an obligation for home country operators to offer their roaming customers the opportunity to opt for a service cut-off limit about which they will be given rapid warning before reaching it, with the option of interrupting their connection immediately .

