



EUROPEAN COMMISSION

Brussels, March 2009

## **COMMENTS OF THE EUROPEAN COMMISSION ON A RESOLUTION FROM THE CZECH SENATE**

### **COM (2008)580 - 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 (SEC/2008/2489, SEC/2008/2490)**

The European Commission thanks the Czech Senate for its opinion on the proposal for the review of the Regulation on roaming on public mobile telephone networks within the Community.

The Commission welcomes the support of the Czech Senate in improving transparency for consumers in relation to SMS and data roaming services which will contribute to increasing consumer protection regarding these services.

The European Parliament and Council specifically charged the Commission with reviewing, by the end of 2008, the functioning of the current Regulation, as well as analysing the developments in wholesale and retail charges for data communication services, including SMS and MMS, and, if appropriate, to include recommendations regarding the need to regulate these services.

It was on the basis of this review, together with a detailed impact assessment, that the Commission adopted its proposals for amending the Regulation on roaming on public mobile telephone networks. As members of the Senate will be aware, the Commission has proposed to extend the regulation in time, for a further period of three years, and in scope to address the high prices paid for roaming SMS and the transparency problems in relation to data roaming services.

Detailed analysis of the functioning of the current Regulation can be found in the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the outcome of the review of the functioning of Regulation (EC) No 717/2007 (COM (2008) 579). The document is available at the following address:

[http://ec.europa.eu/information\\_society/activities/roaming/docs/regulation/comm\\_en.pdf](http://ec.europa.eu/information_society/activities/roaming/docs/regulation/comm_en.pdf)

Furthermore, the detailed Impact Assessment on the different policy options envisaged for the review of the Regulation, as well as its Executive Summary, can be downloaded from the following addresses respectively:

[http://ec.europa.eu/information\\_society/activities/roaming/docs/regulation/impact\\_en.pdf](http://ec.europa.eu/information_society/activities/roaming/docs/regulation/impact_en.pdf)

[http://ec.europa.eu/information\\_society/activities/roaming/docs/regulation/summary\\_en.pdf](http://ec.europa.eu/information_society/activities/roaming/docs/regulation/summary_en.pdf)

The Commission, after a thorough examination, concluded that competition in relation to voice roaming services was at this stage not sufficiently developed and that, for this reason, it was necessary to extend the Regulation for a further period of three years. Furthermore, the Commission found that no development had taken place on the prices of SMS roaming services. The Commission concluded that the structural problems existing with regard to these services are essentially the same as for voice roaming services and that, accordingly, regulation was needed in order to ensure consumer protection and the development of the internal market. In relation to data roaming services, however, given their evolving nature and the developments taking place in particular at the retail level, it was considered that only wholesale regulation was necessary. In addition, measures to increase transparency and to protect consumers from 'bill shocks' which arise when consumers use data roaming services abroad were also considered necessary.

The Commission therefore considers that these proposals are proportionate and strike the right balance between the need to ensure consumer protection and to strengthen the internal market.

As you are aware, the discussion on this proposal is evolving rapidly within the context of the co-decision procedure. The Council and the European Parliament agree with the Commission on the need to achieve an agreement on the proposal in the first reading.

In their draft reports on the review of the Roaming Regulation, the Reporters of the European Parliament committees on Industry, Research and Energy (ITRE) and Internal Market and Consumer Protection (IMCO) have made some valuable suggestions. These reports are currently under discussion in Parliament.

Working group level discussions on the Commission's proposals took place in the Council under the French Presidency while at their meeting in Brussels on 27 November 2008, Ministers in the Telecommunications Council signalled very broad agreement with the Commission's proposal and adopted a general approach.

The opinion of the European Parliament in its first reading is expected by mid-April 2009. It is hoped that political agreement at the Council will be reached shortly thereafter. If this is the case, the proposed measures will come into force in summer 2009.