

Roaming III

Art 3 – BEREC Guidelines

Regulierungsdialog





Artikel 3

Großkundenroamingzugang

- 1. Juli 2012
 - Art 3 tritt in Kraft: MNOs kommen zumutbaren Anträgen auf Großkundenroamingzugang nach

- 30. September 2012
 - BEREC hat nach Konsultation (fand im Sommer 2012 statt) der Beteiligten und in Zusammenarbeit mit der Kommission Leitlinien zu erstellen
 - http://berec.europa.eu/eng/document_register/subject_matter/berec/regulatory_best_practices/guidelines/1015-berec-guidelines-on-the-application-of-article-3-of-the-roaming-regulation-wholesale-roaming-access

- 01. Jänner 2013
 - Veröffentlichung eines Standardangebots unter Berücksichtigung der BEREC-Leitlinien



BEREC Guidelines on Article 3



BEREC Guidelines on Art 3

Granting or Refusal of Request

- MNOs must offer direct and resale access
- Access shall be sufficient to allow access seeker to offer prepaid and postpaid services
- Art 3 requires MNOs to grant access to all reasonable requests which may be necessary to allow the access seeker to provide a roaming service to any undertaking that provides roaming services to EU roaming customers (MNOs, MVNOs, resellers)
- Whether a request is reasonable or not will be judged on the merits of the case, as a rule of thumb: where it is reasonable to recover implementation costs within a reasonable period
- Requests may not be refused except for objectively justified reasons



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Information requirements

- Information required by access provider shall be limited to minimum necessary
- Access seekers should not be required to provide any details of the service they expect to offer
- Information must be limited to technical information (used interfaces, protocols,...)
- Traffic forecasts which are not met shall not lead to penalties



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Minimum set of wholesale services

- Service offered at regulated prices set out in Articles 7, 9 and 12 are
 - Direct Access: MNOs must offer all wholesale roaming services which are necessary for an MNO or full MVNO to offer retail roaming services
 - Resale Access: minimum set of wholesale roaming services required to allow a retail provider to provide a retail roaming service, this shall include:
 - Wholesale roaming services provided by visited network
 - Transit services used by the MNO for its own roaming business
 - Information on end-user usage
 - Wholesale functions and facilities provided by the MNO and used to supply its own retail roaming business (signaling, data clearing, fraud handling, etc.)



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Other wholesale services

- Resale Access: other wholesale services at fair and reasonable prices
 - Resale of termination of incoming voice calls and outgoing SMS messages
 - Retail functions which can practically or economically be provided only by the access provider
 - Billing of post-pay services
 - Credit control of pre-pay services
 - Control of data bill shock
 - Services to implement retail transparency obligations
 - Unregulated roaming services (roaming outside the EU/EEA)



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Fair and reasonable prices

- NRAs take into account following considerations in dispute resolutions:
 - whether there is a market rate for such services
 - costs of provision and the magnitude of the resulting return to the MNO
 - need to minimize overall costs of resale access
- In the case of resale of
 - non-EEA roaming: prices shall allow an efficient reseller to offer competitive retail tariffs
 - termination of incoming calls: a fair and reasonable charge may be levied to recover costs
 - termination of outgoing SMS: price shall take into account of income received by the MNO for termination of incoming roaming SMS received by customers of the reseller
 - termination of incoming SMS: no charge



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Non-discrimination

- All terms and conditions of supply (except price) must be equivalent to those relevant for the provision of services to the MNO itself
- In particular it applies to
 - Availability of access services and necessary facilities
 - Maintenance periods
 - Repair times in case of malfunctions
 - Process of ordering and delivery
 - Process of announcing new or redefined access services
 - Process of supply of information



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General requirements for reference offer I

- Reference Offer shall
 - be constructed in accordance with these guidelines
 - be sufficient to allow any access seeker to replicate retail services
 - state maximum charges (lower charges may be negotiated individually)
 - be published on the MNO's website
 - incorporate a Service Level Agreement
 - include all necessary (technical) information regarding
 - interconnection
 - interoperability, interfaces and protocols
 - implementation of CAMEL protocol
 - testing procedures
 - security and data privacy
 - fraud prevention procedure



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General requirements for reference offer II

- **Contract Duration including any break clauses**
 - Parties are not entitled to insist on an unduly short or long contract
 - MNO is not allowed to cease an already allowed access service without objective justification, in which case an appropriate period of notice must be given
- **Restrictions on conduct of business**
 - Restrictions of access are inadmissible, technical restrictions may be imposed only where there is objective justification
- **Supply conditions which deter entry**
 - Bundling of services, exclusivity clauses and any other requirements that have anti-competitive effects are unacceptable
- **Management and implementation of new roaming agreements**
 - Changes that arise during time shall be agreed on and documented
 - Access seeker shall be informed when there are new roaming agreements



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General requirements for reference offer III

- Update of reference offer
 - at least every year in order to update regulated prices or
 - as soon as possible when there are NRA decisions or new BEREC guidelines or the existing reference offer no longer properly describes the services on offer
- Timing issues
 - time limits set out in the regulation should be regarded as maxima
 - access providers should make reasonable efforts to respond as soon as possible
 - draft contract should be made available for signature within one month
 - agreements shall be implemented asap, but in any case within 3 months
- New modified services
 - shall be offered in a timely manner, reference offer shall be amended

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Elisabeth Dornetshumer

