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Committee on Culture and Education

2006/0133(COD)

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OPINION

of the Committee on Culture and Education

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council on roaming on public mobile networks within the Community and amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (COM(2006)0382 – C6-0244/2006 – 2006/0133(COD))

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AMENDMENTS

The Committee on Culture and Education calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 RECITAL 1

(1) The high level of the prices payable by users of public mobile telephone networks when using their mobile telephones when travelling abroad within the Community is a matter of concern for national regulatory authorities. The European Regulators Groups noted at its plenary meeting in May 2005 (*inter alia*) that retail charges were very high without clear justification; that this appeared to result both from high wholesale charges levied by the foreign host network operator and also, in many cases, from high retail mark-ups charged by the customer's own network operator; that reductions in wholesale charges were often not passed through to the retail customer; and that there were strong linkages between the markets in the different Member States.

(1) The high level of the prices payable by users of public mobile telephone networks, ***for example students, business travellers and tourists***, when using their mobile telephones when travelling abroad within the Community is a matter of concern for national regulatory authorities. The European Regulators Groups noted at its plenary meeting in May 2005 (*inter alia*) that retail charges were very high without clear justification; that this appeared to result both from high wholesale charges levied by the foreign host network operator and also, in many cases, from high retail mark-ups charged by the customer's own network operator; that reductions in wholesale charges were often not passed through to the retail customer; and that there were strong linkages between the markets in the different Member States.

Amendment 2 RECITAL 1 A (new)

(1a) The internal market gives more space for mobility, especially for employees, employers, students, teachers and working trainees participating in European programmes such as Lifelong Learning, the Youth Programme and Europe for Citizens. Thus, the "price of mobility"

¹ Not yet published in OJ.

should not be excessive and prohibitive for travellers.

Justification

The roaming prices should not be abusive and prohibitive for the travellers to use their mobile abroad.

Amendment 3
RECITAL 1 B (new)

(1b) The creation of a European social, educational and cultural area based on the mobility of individuals should facilitate communication between people in order to build a real "Europe for Citizens".

Justification

Communication is one of the most important aspects of the European model. It is essential to be able to use the new technologies in order to facilitate communication among citizens.

Amendment 4
RECITAL 12

(12) Regulatory obligations should be imposed at both retail and wholesale level to protect the interests of roaming customers, since experience has shown that reductions in wholesale prices for international roaming services may not be reflected in lower retail prices for roaming, due to the absence of incentives to do so. On the other hand, action to reduce the level of retail prices without addressing the level of the wholesale costs associated with the provision of these services could risk disrupting the orderly functioning of the international roaming market.

(12) Regulatory obligations should be imposed at both retail and wholesale level to protect the interests of roaming customers, since experience has shown that reductions in wholesale prices for international roaming services may not be reflected in lower retail prices for roaming, due to the absence of incentives to do so. On the other hand, action to reduce the level of retail prices without addressing the level of the wholesale costs associated with the provision of these services could risk disrupting the orderly functioning of the international roaming market.

Particular attention should be paid to the fact that some operators undoubtedly face higher wholesale costs than average due to circumstances outside their control. For example, operators in areas with low population density, difficult topography, or large influxes of tourists within short time periods making calls typically at peak hours tend to have higher network costs than

operators in countries that do not operate under similar circumstances.

Consequently, roaming prices which are too low may reduce operators' investments in some of these areas and therefore downgrade the quality of roaming services.

Justification

It is a fact that some mobile operators may have more costs than others in the installation, the maintenance and the upgrade of the mobile networks.

Amendment 5
RECITAL 18

(18) The maximum price limits should take account of the different elements involved in the making of an international roaming call (including overheads, signalling, call origination, transit and termination) and the differences in the underlying costs of providing international roaming services in respect of calls made to a destination within a visited country, on the one hand, and calls made back to the roaming customer's home country or a third country within the Community, on the other.

(18) The maximum price limits should take account of the different elements involved in the making of an international roaming call (including overheads, signalling, call origination, transit and termination) and the differences in the underlying costs of providing international roaming services in respect of calls made to a destination within a visited country, on the one hand, and calls made back to the roaming customer's home country or a third country within the Community, on the other. ***Furthermore, account should be taken of the fact that a large part of the population, such as the elderly, continues to use the old technologies (fixed-line telephony), and any reduction in profits resulting from this Regulation should therefore not be recouped by increasing fixed-line telephony costs.***

Justification

The old technologies are still very important to a certain part of the population. Thus, we should not "penalise" them in favour of the new means of communication.

Amendment 6
RECITAL 18 A (new)

(18a) Any change in prices should allow for the risk of market distortion and for potential damage to the main body of users. The impact which seasonal tourists have on

the costs incurred by receiving and transmitting operators consequently should be evened out. Similarly, bearing in mind that 66% of mobile telephone users in the Union do not use international roaming services, it is necessary to ensure that these users will not be harmed by such a measure.

Amendment 7
RECITAL 26

(26) In order to improve the transparency of retail prices for making and receiving roaming calls within the Community and to help roaming customers make decisions on the use of their mobile telephones while abroad, providers of mobile telephony services should enable their roaming customers easily to obtain information on the roaming charges applicable to them in the visited Member State concerned, ***on request and*** free of charge. Transparency also requires that providers furnish information on roaming charges when subscriptions are taken out and that they also give their customers periodic updates on roaming charges as well as in the event of substantial changes.

(26) In order to improve the transparency of retail prices for making and receiving roaming calls within the Community and to help roaming customers make decisions on the use of their mobile telephones while abroad, providers of mobile telephony services should enable their roaming customers easily to obtain information on the roaming charges applicable to them in the visited Member State concerned, free of charge. Transparency also requires that providers furnish information on roaming charges when subscriptions are taken out and that they also give their customers periodic updates on roaming charges as well as in the event of substantial changes.

Justification

Customers should receive the necessary information on roaming charges in the form of a text message, similar to the existing greetings from the new network, without having to ask.

Amendment 8
RECITAL 27

(27) The national regulatory authorities which are responsible for carrying out tasks under the 2002 regulatory framework for electronic communications should have the powers needed to supervise and enforce the obligations in this Regulation within their territory. They should also monitor developments in the pricing of voice and data services for mobile customers when roaming within the Community, in particular

(27) The national regulatory authorities which are responsible for carrying out tasks under the 2002 regulatory framework for electronic communications should have the powers needed to supervise and enforce the obligations in this Regulation within their territory. They should also monitor developments in the pricing of voice and data services ***and of data transmission (such as SMS and MMS)*** for mobile

as regards the specific costs related to roaming calls made in the outermost regions of the Community and the necessity to ensure that these costs can be adequately recovered on the wholesale market. They should ensure that up-to-date information on the application of this Regulation is made available to mobile users.

customers when roaming within the Community, in particular as regards the specific costs related to roaming calls made in the outermost regions of the Community, ***taking into account the geographical position of the small Member States lying on the Community's borders and of those Member States which traditionally are the destinations for massive influxes of seasonal tourists at given times of the year. They should monitor the development of retail prices for voice and data communications services and ensure that reductions in roaming charges under this Regulation are not offset by mobile phone call charges within the same country.*** They should ensure that up-to-date information on the application of this Regulation is made available to mobile users.

Justification

We should take into account that in many small Member States it takes only a short time to cross the frontiers.

Amendment 9 RECITAL 30 A (new)

(30a) Given that the European Union is a place where citizens communicate, the new technologies can be an important instrument in this context. Thus, all means of communication should be accessible to everyone, in terms of price, avoiding any increase in the cost of traditional telephony services still used by a large part of the population which could lead into a social divide and the changes entailed should not impede the progress of, and investment in, network modernisation.

Justification

Communication is one of the most important aspects of the European model. It is essential to be able to use the new technologies in order to facilitate communication among citizens.

Amendment 10 ARTICLE 1, PARAGRAPH 1

1. This Regulation introduces a common mechanism, called the European Home Market Approach, for ensuring that users of public mobile telephone networks when travelling within the Community do not pay excessive prices for international roaming services when making calls and receiving calls, thereby achieving a high level of consumer protection while safeguarding competition between mobile operators. It lays down rules on the charges that may be levied by mobile operators for the provision of international roaming services for voice calls originating and terminating within the Community and applies both to charges levied between network operators at wholesale level and to charges levied by the home provider at retail level.

1. This Regulation introduces a common mechanism, called the European Home Market Approach, for ensuring that users of public mobile telephone networks when travelling within the Community do not pay excessive prices for international roaming services when making calls and receiving calls ***or when sending and receiving data (sending SMS at an appropriate price, MMS, etc)***, thereby achieving a high level of consumer protection while safeguarding competition between mobile operators. It lays down rules on the charges that may be levied by mobile operators for the provision of international roaming services for voice calls originating and terminating within the Community and applies both to charges levied between network operators at wholesale level and to charges levied by the home provider at retail level.

Justification

The majority of mobile customers, especially the younger ones, use SMS as a more economical way of communicating. For this reason, the regulation on international roaming should also cover this service.

Amendment 11

ARTICLE 1, PARAGRAPH 1 A (new)

1a. This Regulation lays down rules designed to increase price transparency and to improve the provision of tariff information to consumers in international roaming services, including voice and data communication services.

Amendment 12

ARTICLE 1, PARAGRAPH 1 A (new)

1a. This Regulation lays down rules to increase price transparency and improve the provision of tariff information to consumers in international roaming services, including voice and data communication services as well as SMS.

Justification

It is important that the regulation covers all the services provided by the mobile operators.

Amendment 13
ARTICLE 2, PARAGRAPH 2, POINT (D)

(d) “regulated roaming call” means a **mobile** voice **telephony** call made by a roaming customer, originating on a visited network and terminating on a public telephone network within the Community;

(d) “regulated roaming call” means a voice **or data-transfer** call made **on a mobile telephone** by a roaming customer, originating on a visited network and terminating on a public telephone network within the Community;

Amendment 14
ARTICLE 7, PARAGRAPH 1

1. Each home provider shall provide to its roaming customer **on request personalised** pricing information on the **retail** charges that apply to the making and receipt of calls by that customer in the visited Member State.

1. Each home provider shall provide to its roaming customer **automatically when that customer enters another Member State by means of a Short Message Service (SMS) and without undue delay** pricing information on the **roaming** charges that apply to the making and receipt of calls **and to the sending and receiving of data** by that customer in the visited Member State. **In addition, the customer may choose to make a request by sending an SMS or making a voice call in order to receive the information on the applicable roaming charges. The content of the SMS shall be well defined, contain clear information about the roaming charges and shall not contain information that is not useful while travelling.**

Justification

It would be more efficient if the information would always be automatically sent to customers, whether they request it or not.

Amendment 15
ARTICLE 7, PARAGRAPH 2

2. The customer may choose to make such a request by means of a mobile voice call or by sending an SMS (Short Message Service), in either case to a number designated for this purpose by the home

deleted

provider, and may choose to receive the information either during the course of that call or by SMS (in the latter case without undue delay).

Justification

It would be more efficient to put this context in the first paragraph.

Amendment 16
ARTICLE 7, PARAGRAPH 2 A (new)

2a. Within one hour of entering another Member State the roaming customer shall receive an automatic SMS from his home provider, which shall include personalised pricing information on the retail charges that apply to the making and receiving of calls and to the sending and receiving of data as well as SMSs by that customer on each available network in the visited Member State.

Justification

The welcome SMS that we receive when we arrive in the host country could be more useful.

Amendment 17
ARTICLE 7, PARAGRAPH 3

3. The information service referred to above shall be provided free of charge, both as regards the making of the request and the receipt of the information requested.

3. Home providers shall offer, as a minimum, a free information service to cover the information mentioned above for the purpose both of making enquiries and of receiving the information requested.

Justification

Operators should be required merely to provide a free information service while remaining free to choose such other methods as they might wish to employ.

Amendment 18
ARTICLE 7, PARAGRAPH 4

4. The personalised pricing information referred to in this Article shall be the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of calls on ***any*** visited network in

4. The personalised pricing information referred to in this Article shall be the charges applicable under the tariff scheme of the roaming customer concerned to the making and receipt of calls ***and to the sending and***

the Member State in which the customer is roaming.

receiving of communications services including short message service (SMS) and multi media message service (MMS), on each visited network in the Member State in which the customer is roaming. The information provided shall also include details of any differences in rates depending on the time or the day on which calls are made.

Amendment 19
ARTICLE 7, PARAGRAPH 5 A (new)

5(a) Information concerning roaming charges shall also be available at all times on the service provider's website.

Amendment 20
ARTICLE 9

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission not later than six months following the entry into force of this Regulation and shall notify it without delay of any subsequent amendment affecting them.

The national regulatory authorities shall monitor, supervise and ensure compliance with this Regulation within their territory. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission not later than six months following the entry into force of this Regulation and shall notify it without delay of any subsequent amendment affecting them.

Justification

National regulatory authorities are the most competent authorities to follow the application of this Regulation.

Amendment 21
ARTICLE 10, PARAGRAPH 3

3. The Commission shall publish in the *Official Journal of the European Union*, on a regular basis, the average mobile termination rate determined in accordance with

3. The Commission shall publish in the *Official Journal of the European Union* ***and in the 'Your Europe' internet portal*** on a regular basis, the average mobile termination rate determined in accordance with

paragraphs 1, 2 and 4.

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PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council on roaming on public mobile networks within the Community and amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services
References	COM(2006)0382 – C6-0244/2006 – 2006/0133(COD)
Committee responsible	ITRE
Opinion by Date announced in plenary	CULT 5.9.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Manolis Mavrommatis 12.9.2006
Previous drafts(wo)man	
Discussed in committee	18.12.2006 29.1.2007 0.0.0000
Date adopted	22.3.2007
Result of final vote	+: 26 -: 0 0: 0
Members present for the final vote	Maria Badia I Cutchet, Ivo Belet, Giovanni Berlinguer, Marie-Hélène Descamps, Jolanta Dičkutė, Věra Flasarová, Milan Gaľa, Vasco Graça Moura, Lissy Gröner, Luis Herrero-Tejedor, Ruth Hieronymi, Bernat Joan i Marí, Sándor Kónya-Hamar, Manolis Mavrommatis, Marianne Mikko, Ljudmila Novak, Zdzisław Zbigniew Podkański, Christa Prets, Pál Schmitt, Gheorghe Vergil Șerbu, Nikolaos Sifunakis, Thomas Wise, Tomáš Zatloukal
Substitute(s) present for the final vote	Giusto Catania, Mario Mauro, Nina Škottová
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...