

WRITTEN QUESTION E-5511/08  
by Joel Hasse Ferreira (PSE)  
to the Commission

Subject: Application of charging by the second, taking account of Directive 2005/29/EC

Directive 2005/29/EC<sup>1</sup> of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market recently came into force in Portugal. Regulation (EC) No 717/2007<sup>2</sup> of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC also lays down relevant provisions. However, it is not yet known what mechanisms will be used for carrying out checks and what form such checks will take, and specific rules on application have yet to be defined.

The Portuguese Government, through the Secretary of State for Trade, Services and Consumer Protection, has proposed applying charging by the second to mobile phone calls, with checks to prevent operators from raising prices. Self-regulation in the sector is not functioning adequately, and the Portuguese Government has also suggested, in a letter to the Commission, that the latter institution should launch an extended debate among the Member State governments, regulatory bodies in the sector and civil society with the aim of adopting a resolution or recommendation.

Is the Commission currently studying measures or a suitable definition of the solutions required to supervise the application of Directive 2005/29/EC in the telecommunications sector, so as to avoid creating doubts and prevent differing interpretations and legal uncertainty?

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<sup>1</sup> OJ L 149, 11.6.2005, p. 22.

<sup>2</sup> OJ L 171, 29.6.2007, p. 32.