

WRITTEN QUESTION P-5186/06  
by Roberta Angelilli (UEN)  
to the Commission

Subject: Cost of topping up mobile telephones: possible infringement of the rules designed to protect free competition within the market and to protect consumers

Over the last few months a debate has arisen in Italy on the subject of the taxes levied on prepaid mobile-telephone services and the deductibility of the costs relating to the purchase and use of mobile telephones. The Commission was informed by means of a question concerning the legitimacy of mobile-telephone topping-up charges and it subsequently (on 3 May 2006) announced that its Directorate-General for Competition would contact the Italian authorities in order to obtain further information. Italy's Communications Authority and Antitrust Authority then also carried out an investigation into mobile-telephone services and on 15 November 2006 they issued an opinion which revealed the irregular nature of the final cost of topping-up charges - charges which are unknown in the other EU countries and which are regarded as unfair and lacking in transparency.

Furthermore, it has come to light that in Italy the taxation level imposed is much higher than in other European countries: VAT is charged at 20% (DPR 26/10/72 No 633) - as compared with an average of 16.8% in the other countries - and a monthly government licence fee (DPR 26/10/72 No 641, Article 21) is levied on top of that.

It should be pointed out that 70% of top-up users are students and pensioners or people who are unemployed or on low to middle incomes. In 2005 alone, mobile-telephone operators had a turnover of EUR 1.714 billion in Italy, on which they made a 30.2% profit.

In view of the above, will the Commission answer the following questions?

1. What action does the Commission intend to take in order to ensure that Italian mobile-telephone operators abide by the conclusions which emerged from the investigations carried out by Italy's Communications Authority and Antitrust Authority?
2. What action could be taken in order to protect consumers and to remove obstacles to free competition?
3. How can the transparency requirements for telephone-card users be satisfied?
4. Will the Commission provide an overview of the situation?