Question for written answer P-005718/2018

to the Commission

Rule 130

Michał Boni (PPE)

Subject: RLAH and the sustainability mechanism in the roaming regulation

As a result of the ‘Roam like at Home’ (RLAH) rule introduced on 15 June 2017, and as provided for in the regulation on the Telecom Single Market (TSM), citizens and businesses can now use their mobile roaming services and pay domestic prices when they are periodically travelling in the EU.

There are, however, discrepancies in interpreting the roaming regulation and the impact it has on contracts, where sustainability surcharges are applied to contracts between roaming providers and the national regulatory authorities (NRA).

The sustainability mechanism and sustainability charges are an intrinsic element of the roaming regulation. They were introduced to protect both roaming providers and their customers against the possible adverse effects of the RLAH rule on the domestic market.

Can the Commission confirm whether, according to the spirit and letter of the roaming regulation, amendments to retail roaming tariffs that are related to introducing sustainability surcharges constitute changes to retail tariffs and, as such, are covered by recital 30 of the regulation?

If this is indeed the case, national law transposing the current regulatory framework for electronic communications networks and services (which gives customers the right to withdraw from their contract) should not apply; if it does, it should not be interpreted and applied in such a way as to lead to undesirable results.