

ERG REPORT

Progress in the implementation and effectiveness of the
transparency measures

**ERG Project Team on International Roaming Retail
Tariff Transparency**

Executive Summary

At its Plenary meeting of November 2005, the European Regulators Group discussed and evaluated the pros and cons of the measures proposed in the report of the International Roaming retail tariff transparency Project Team. It was agreed that National websites should be created to complement the information provided by the Commission on its website. It was also agreed that NRAs should assess the technical viability and legal feasibility of requiring mobile operators to provide information through SMS messages. The IRTT project team was asked to monitor NRAs' progress in implementing the agreed measures.

An interim report was presented at February 2006 meeting and the final report was scheduled for the May 2006 ERG Plenary. At the May Plenary ERG took note and approved the report, but decided to defer its publication in order to update the information on national websites and to include information on the GSM Europe tariff comparator website.

This report therefore provides a current status report of the two transparency measures as implemented or planned by NRAs and provides a description, as well as a brief comment on the GSM Europe tariff website.

As the first measure is concerned, most NRAs have made available information on international roaming on their websites. Of 31 NRAs surveyed, only 24 have already published IR websites: 10 of them have published IR websites with generic and tariff specific information on IR services, the remaining 14 have published websites that contain only generic information, but four of these latter plan to complement the information provided with tariff specific information. Among the NRAs that do not have already implemented the website measure, six have plans to publish websites with IR services information, and one does not plan to publish any website. Given these results, it is easy to conclude that NRAs still have an important role to play in helping to raise consumer awareness.

In the July 2006 GSM Europe launched a web site that, according to its developers, should help consumers to find the best IR tariffs they can get from their mobile operator. The website, that is available in six languages shows the prices charged for placing and receiving calls when abroad by 75 European operators. The GSME website also provides links to operators' websites, a feedback form and a frequently asked questions.

The GSME website is consulted like a database: the consumer selects its operator, the tariff scheme, the destination country and the website returns the best tariffs charged by its home operator when roaming on the networks of all operators available in the destination country. Thus, in addition to the websites of the European Commission and of the NRAs a further source of information for end-users has been established. This industry initiative can help raising consumer awareness and increase tariff transparency.

As the second measure is concerned, the PT found that, in general, customers who roam abroad receive a generic Welcome SMS. A few operators also send, under request, SMS messages containing specific roaming tariff information.

NRAs have differing views as to whether to proceed with SMS messaging as a means of providing information. Some NRAs are already in discussion with MNOs with a view to promoting SMS messaging as a voluntary measure, whereas others are considering doing so.

The Project Team notes that there does not appear to be technical obstacles to an MNO providing an SMS information service to its customers with a number of MNOs currently providing such a service. The Project Team also notes that the cost of developing such a service may be significant and will vary between MNOs depending on the individual features of each network and the structure of roaming charges which each apply, the type of information to be provided and the customisation of such information. In the circumstances where the future structure of such charges is unclear, potentially being subject to future regulation, the Project Team recognises that it may be appropriate to consider the proportionality of any mandatory requirement in advance of a regulation. This is without prejudice to whether such a mandatory requirement may be imposed. Most of the NRAs who have considered the issue (see section 5.1) were of the view that the provisions of the current framework were not sufficiently robust to permit the imposition of a mandatory obligation on all MNOs to provide tariff information by SMS.

1 Introduction

Despite a general trend of lower charges for voice calls, prices for international roaming (IR) calls have remained at levels considered by many to be unacceptably high. The issue of high roaming charges has been under discussion for some considerable time and the European Commissioner for Information Society and Media, Viviane Reding, announced proposals to reduce costs to end users.

It had earlier been recognised that the transparency of roaming charges was an issue with many end-users unaware of the actual costs of using a mobile phone when abroad. In October 2005 the European Commission launched a website¹ comparing international roaming retail tariffs. The intention was to put pressure on mobile network operators (MNOs) to reduce tariffs by promoting consumer awareness of the costs of mobile calls when roaming abroad.

At its Plenary meeting held in Brussels on 24 and the 25 November 2005, the European Regulators Group (ERG) resolved to reinforce its efforts to increase consumer awareness of the costs involved in making and receiving calls when using a mobile phone abroad.

Having discussed the measures proposed in the report prepared by the IR TT Project Team, the ERG agreed that consumers in each Member State should be provided with information on the costs of roaming abroad with a mobile phone and offered advice on how to keep costs down. After having evaluated the pros and cons of the proposed measures, it was agreed that work should begin immediately on the creation of national websites to complement the information provided by the Commission. In addition NRAs were asked to assess both the technical viability and legal feasibility of requiring mobile operators to send consumers an SMS message with information on roaming prices when entering a country – both “push” and “pull” systems.

The IRTT project team was asked to monitor NRAs’ progress in implementing the agreed measures and to report back to the Plenary. An interim report was presented to the February 2006 meeting and the final report was scheduled for the May 2006 ERG Plenary. At the May Plenary meeting ERG took note and approved the report, but decided to defer its publication in order to update the information on national websites and to include information on the GSM Europe tariff comparator website.

This report therefore provides a current status report of the two transparency measures as implemented or planned by NRAs and provides a description, as well as a brief comment on the GSM Europe tariff website.

2 Recent regulatory developments and their impact on future activities at National and ERG level

Recent developments may impact on strategic decisions that are still to be taken by some NRAs. At the ERG Plenary meeting held in Paris on 8th February 2006, Commissioner Reding announced her intention to introduce a Regulation directly governing roaming charges. Since then the Commission has completed two rounds of public consultation to which the ERG (with the exception of CMT that answered

¹ See http://europa.eu.int/information_society/activities/roaming/index_en.htm.

separately) has responded² and on 14 July 2006 presented its proposal of an EU Regulation for the decision phase at the European Council and Parliament.

The main elements of the Commission proposal are the introduction of a cap both on the tariffs charged by operators at wholesale level, and on the retail prices paid by end user while roaming. Furthermore the regulation envisages some transparency measures for operators, that should, according to the proposal to date, provide their customers with free SMS (in a pull mode) and call based retail tariff information, and clearly inform them periodically of applicable roaming charges and their variations.

The purpose of the proposed regulation briefly described above is to reduce substantially the current levels of retail prices for international roaming services. When that has been achieved, also tariff transparency problems may be reduced, but this does not imply that NRAs should reduce their commitment to improve transparency and awareness of IR tariffs. In this context NRAs have to make sure that the measures they have already agreed on are actually implemented before any new regulation is in force and/or any eventual revision of the strategy towards IR transparency is needed.

Independently from the outcome of the EC regulation, that is currently being discussed at Council level, and the need to monitor the implementation of IR transparency measures, the Project Team could offer the experience gained during its first year of activity to support the activities linked to the area of tariff transparency of other bodies/organisations from the industry and the user's association, and to the implementation of any eventual EU regulation provisions in this area.

3 Information on roaming tariffs provided in national websites

Most NRAs have already made available (or are in the process of making available) qualitative information on their websites in relation to international roaming tariffs applied to consumers when they are abroad; table 1 gives a brief description of the main features of these websites. Some NRAs have implemented, or are now implementing, on their websites an additional component which consists of comparative information on tariffs which apply to national subscribers to national MNOs when abroad (these are described in table 2).

Table 3 provides links to websites and summarises the status of implementation of the website measure; As is possible to see from the table, only 24 websites are already running; in particular, 10 NRAs have published IR websites (or sections of their websites) with generic and tariff specific information on IR services. Fourteen other NRAs have published websites that contain only generic information on IR services, but four of them plan to complement the information provided with tariff specific information. Among the NRAs that do not have already implemented the website measure, six have plans to publish websites with IR services information (five of them intend to provide also tariff specific information) and, finally, one NRA does not plan to publish any website, or dedicate any section of its website, to IR services information. Given these results, it is easy to conclude that NRAs still have an important role to play in helping to raise consumer awareness.

² See <http://www.erg.eu.int/doc/whatsnew>

A final remark on the way the information to be provided on national websites is collected: in several cases the information is collected, or planned to be collected and updated, by NRAs themselves (there is not always a very direct legal way of asking operators to provide and calculate such information) or, in some cases by the MNOs themselves (either on a voluntary or mandatory basis).

Table 1: general information on the websites

NRA	Date Launched (or planned date)	Provision of information on rules (in particular on tariffs) applied when users are abroad and using roaming services	Provision of Specific Information on tariffs applied	Provision of information on the usage of international roaming	Inclusion of a useful links section	Possibility of sending a complaint to the NRA	Inclusion of other type of information (if Yes, please define what kind of information)
RTR Austria	On-line since the end of March	Yes (costs for receiving calls abroad, using voice box abroad; on-net calls)	No, but links to roaming information of the providers	Yes	Yes	Yes	Tips to avoid costs (eg calling cards, usage of voice box, finding the perfect tariff model)
BIPT Belgium		NO	The Belgian law provides a general competence for the BIPT to indicate to operators the information they have to make available to their customers. The law provides also that BIPT puts on its website a comparison instrument about retail tariffs. This application could include international roaming tariffs under conditions and methods to be determined by the regulator. These aspects are currently studied by BIPT.				
OCECPR Cyprus	Active since 7/04/06	Yes	No	Yes	Yes	Yes	n/a
NITA Denmark	Since 1999 (Useful consumer information on IR)	Yes (Operators' tariffing practices on made/received calls/voice mail – "good advice" section)	Yes	Yes	Yes	No (An independent complaint body handles complaints, www.teleanke.dk)	"Good advice" section on calls/voice mail, choice of network operator, choice between prepaid/postpaid etc.
ENCB Estonia	On-line since 12/06/06	Yes (eg. tariff rules on received calls; making calls, voice mail, SMS, GPRS)	Yes	Yes	Yes links to operators and CION's IR website	Yes – from different section of website	General information on roaming, "Top Tips", advice on what to do before travel and how to reduce int. roam. costs, each operator's Customer Care Department Numbers
FICORA Finland	August 2006 (planned)	Yes (eg. Tariffing rules on received calls; voice mails, etc.)	Yes	No	Yes	No	IR pages are part of the consumer pages

Table 1: general information on the websites (continued)

NRA	Date Launched (or planned date)	Provision of information on rules (in particular on tariffs) applied when users are abroad and using roaming services	Provision of specific Information on tariffs applied	Provision of information on the usage of international roaming	Inclusion of a useful links section	Possibility of sending a complaint to the NRA	Inclusion of other type of information (if Yes, please define what kind of information)
BNetZA Germany	June 2006	Yes (eg. Tariff rules on received calls; voice mails, etc.)	No, but reference to the operators' websites	Yes	Yes	Yes	Frequently Asked Questions
EETT Greece	28/04/06 (planned)	Yes (eg. tariff rules on received calls; making calls, receiving SMS, sending SMS etc.)	Yes	Yes	Yes	Yes through a different section	General information on roaming, advices for cost savings, Frequently Asked Questions.
PTA Iceland	N/A	Some information	No	No	Yes	No	N/A
ComReg Ireland	On-line since 7 March 2006	Yes - Rules on received calls, voice mail, Minimum call charges	Yes	Yes	Yes	Yes – from different section of website	“Top Tips”, advice on what to do before travel and “How to reduce costs”
AGCOM Italy	On-line since 03/02/06	Yes	Yes	Yes	Yes, links to operators and CION site	Not specifically for IR, AGCOM can handle complaints on any service	Tips on usage and savings (usage of voice mail, call back, choice of MNO, etc.)
PUC Latvia	20/02/06 (section on NRA website)	Yes (providing the links to corresponding operator's web pages)	No, but links to corresponding operator's web pages	No	Yes	Yes	
RRT Lithuania	10/11/05 (section on the RRT website)	Yes (information for users about particularities of international roaming services, the classification and structure of international roaming tariffs, tariff rules and the ways of organizing expenses for international roaming services)	No	Yes	Yes. links to operators and CION site	Yes, from different section of the RRT website (for all complaints)	Other short advices for users how to optimize their choices of international roaming services and (or) roaming providers when abroad

Table 1: general information on the websites (continued)

NRA	Date Launched (or planned date)	Provision of information on rules (in particular on tariffs) applied when users are abroad and using roaming services	Provision of specific Information on tariffs applied	Provision of information on the usage of international roaming	Inclusion of a useful links section	Possibility of sending a complaint to the NRA	Inclusion of other type of information (if Yes, please define what kind of information)
OPTA Netherlands	1 April 2006	Yes – It will be explained that tariffs should be provided on the website of the provider.	No. It will be explained that this is a requirement for the provider.	Yes – OPTA will provide information on the usage of international roaming.	No	Yes	No
NPT Norway	09/02/06	Yes	Yes	Yes (on a different section of the web site)	No	Yes, from different section of website	Yes, a few advices on how to go about using your mobile abroad
UKE Poland	February 2006	Yes - Rules on received calls, Minimum call charges, User Dictionary, Advices for users	Yes	Yes	Yes	Yes – from the main section of website	Advice on what to do before travel. How to reduce costs
ANACOM Portugal	30/03/06	Yes. There is a FAQ area where end users may get information on tariffing rules (e.g. the general existence of tariffs applied for receiving calls while on roaming, as well as for receiving calls in the; voice mail, etc.)	No, at the moment only the links to corresponding operator's web pages as well as to the Cion website are provided	Yes	Yes links to operators, other NRA's IR pages and CION site	No. A Complaint form is available at the ANACOM's website, but that form is not directly available at the International Roaming area	Yes. Information related to: (i) the ECs efforts in relation to International roaming tariffs; (ii) the IRG PT for IR TT, including a link to the PT report; (iii) market statistics on international roaming, and (iv) Legal framework
ANRC Romania	End of 2006	Yes	Yes	Yes	Yes	Yes	No
AK Lichtenstein	May 2006	Yes	No, but links to operators' websites	No	No	No	No
TOSR Slovak Republic	May 2006	Yes	No, but links to operators' websites	Yes	Yes (links to EU roaming web site)	Yes (according to general rules on complaints)	

Table 1: general information on the websites (continued)							
NRA	Date Launched (or planned date)	Provision of information on rules (in particular on tariffs) applied when users are abroad and using roaming services	Provision of specific Information on tariffs applied	Provision of information on the usage of international roaming	Inclusion of a useful links section	Possibility of sending a complaint to the NRA	Inclusion of other type of information (if Yes, please define what kind of information)
CMT Spain	n.a.	Yes	Yes	Yes	Yes	Yes	
PTS Sweden	Launched April 2003	Yes (eg. Tariffing rules on received calls; voicemail, etc.)	No	Yes	Yes	Yes	No
OFCOM Switzerland	01.02.2006	Yes	No, It is already provided by third parties	Yes	Yes	No	No
TK Turkey	No						
Ofcom United Kingdom	24 Jan 2006	No, general information only covering 'typical tariffs' sourced from operators' websites	Yes	Yes	Yes	Yes – via Ofcom consumer portal	Advice on what to do before travel. Tips on how to reduce costs. FAQ section
NCAH Hungary	30/06/06	Yes	Yes	Yes	Yes	Yes	Not yet planned.
CTA Croatia	May 2006	Yes	No	Yes	No	Yes	
MCA Malta	January 2006	Yes	No, but links to operators' websites	Yes	No	Yes (in separate section of MCA website)	Short advice
ILR Luxembourg	May 2006	No	No, but links to operators' websites.	No	No	No	No
CTO Czech republic	August 2006	No	Yes	No	Yes	No	No
European Commission	October 2005 Updated April 2006	Yes	Yes	Yes	Yes	Yes	Advice on what to do before travel. Tips on how to reduce costs.

Table 2: specific information on International Roaming tariffs

NRA	Date Launched (or planned date)	Countries considered and criterion adopted to choose countries	Pre-paid / post-paid	Tariff plans considered (number and type)	Call duration	Currency and V.A.T.	Tariff	Calls	SMS	MMS	Data and charging unit applied to data	Periodicity of updates	Information provided by
OCECPR Cyprus	Planned	All countries with which authorized mobile operators have international roaming agreements	Both	Roaming tariffs common for all plans	per minute	CY£, excl. VAT	fixed	Received and made from/to home and visited country	Sent and received	n/a	n/a	Up to the operators	Operators
FICORA Finland	August 2006	Sweden, Estonia, Russia and Mediterranean countries (most favored tourist attractions)	Post paid			Euro, included	Standard peak and off-peak.	As above	Sent	Sent	Yes, Kbytes or Mbytes	quarterly	NRA
NCAH Hungary	30/06/06	EU countries + most visited and neighboring countries (abov 30)	Both	Personal	Minute charges	HUF, VAT included	Standard peak	As above	Sent and received	Sent and received	No	Immediate update in case of any changes.	Provided by operators, checked by NRA
NITA Denmark	28/03/2006	Belgium, France, Greece, Italy, Norway, Spain, UK, Sweden, Germany, Austria (random selected)	Both	Personal (Highest and lowest tariffs incl. set up charge. Prepaid and postpaid.)	Four minutes	DKK, VAT. included	Standard peak	Received and made from/to home country	Sent and received	No	No	Every six months	NRA with deep links to operators IR-sites on tariffs
EETT Greece	28/04/06 (planned)	The 10 most visited destinations of Greek roamers	Both	Basic tariff plan	1 minute	Euro, VAT included	Standard peak tariffs	As above	Sent and received	NO	NO	Every three months	MNOs
ComREG Ireland	7 March 2006	UK, Spain, Portugal, Italy, Germany, USA, France, Greece, Turkey, Austria, Cyprus, Croatia, Australia (Top 4 most visited and random selection)	Both	3 Pre-pay and 4 Pay-monthly personal plans; entry level, least expensive committed monthly spend. Vodafone Passport add-on also shown	30 seconds and 4 minutes	Euro. VAT Included	Standard peak tariffs	As above	Sent and received	No	-	Monthly or more frequently in response to significant changes	Calculated by ComReg from operators' websites

Table 2: specific information on International Roaming tariffs (continued)

NRA	Date Launched (or planned date)	Countries considered (and criterion to choose countries)	Pre or Post paid	Tariff plans considered (number and type)	Call duration	Currency and V.A.T.	Tariff	Calls	SMS	MMS	Data and charging unit	Periodicity of updates	Information provided by
AGCOM Italy	13/04/06	Austria, France, Germany, Spain, United Kingdom, United States. Higher roaming traffic	Only Pre-paid	Personal (8)	Call set-up fee and three minutes calls	Euro, included	Standard peak and off-peak (no difference)	Received and made from/to home country and visited country	Sent and received	Sent and received	Yes, Kbytes	Within 4 days of every tariff variation	Operators and checked by NRA
ENCB Estonia	12/06/06	Finland, Germany, Latvia, Lithuania, Norway, Sweden, UK and Russia (most visited countries)	Both	Roaming tariffs common for all plans, Elisa Vodafone Eurocall add-on also shown	30 seconds and 4 minutes	EEK, VAT included (€ planned)	Standard peak tariffs	As above	Sent and received	NO	Yes, MB	Every six months	Calculated by ENCB from operators' websites
PUC Latvia	20/02/06	-	Both	(depending on operator) (3-6)	1 minute	LVL included	Depending of the operator	As above	Sent and received	Sent and received	-	Bi-monthly	Operators
RRT Lithuania	Price calculator (with IR Tariffs) planned	All	Both	Personal (all)	1 minute	National currency (LTL), included	Standard peak and off-peak	As above	Sent and received	Sent and received	Yes, Kbytes	Once a week	Third party (responsible for the project)
NPT Norway	09/02/06	Sweden, Spain, Denmark, Germany, the UK and Italy. Higher roaming traffic	Both	All personal tariff plans available for Telenor, NetCom, Tele2 and Chess. (about.30)	1 minute	NOK, included	Standard peak and off-peak (no difference)	As above	Sent	Sent	-	When needed	NRA/Operators
UKE Poland	February 2006	UK, France, Germany, Singapore, USA, Hungary. (Geographic differentiation)	Mainly Post, but also info on Pre	1 pre-paid, 1 post-paid.	60 seconds and 4 minutes	Euro and Zloty, VAT Inclusive	Standard peak and off-peak tariffs	Calls received and made from/to home country.	Sent and received	No	-	Monthly or more frequently in response to significant changes	Calculated by UKE from operators' websites

Table 2: specific information on International Roaming tariffs (continued)

NRA	Date launched or planned date	Countries considered and criterion adopted to choose countries	Pre-paid / post-paid	Tariff plans considered (number and type)	Call duration	Currency and V.A.T.	Tariff	Calls	SMS	MMS	Data and charging unit applied to data	Periodicity of updates	Information provided by
ANACOM Portugal³	To be defined ⁴	Countries presenting higher outbound roaming traffic: Germany, France, Spain, and the United Kingdom.	Both	To be defined	Three minutes	Euro, included	Standard peak. (normally no differences between peak and off-peak tariffs)	Voice and video calls received and made from/to home, visited, and other countries	Sent and received	Sent and received	Currently in analysis	Every three months	Currently in analysis
CMT (Spain)	n.a.	EU countries and alternative countries based on operators' zonal system	Both	Personal	3 minutes (altern. 1 minute)	Euro, V.A.T. included	As above	Received and made from/to home and visited country	Sent and received	Sent and received	Yes, Kbytes	Currently in analysis	Currently in analysis
ANRC Romania	End 2006	For all countries	Both	To be defined	Allows users calculate own call duration.	Euro, included	All time of day applicable.	As above	Sent and received	Sent and received	Yes	When needed	ANRC
CTO Czech republic	August 2006	32 countries – 25 EU countries and other 7 (with the largest volume of enterprise)	Post paid	Basic tariff plan	Three minutes	CZK, VAT included	Fixed (no differences between peak and off-peak tariffs)	Received and made from/to home country	No	No	No	Continuously	NRA + operators
OFCOM United kingdom	24 Jan 2006	Ireland , France, Norway, Hungary, USA (Geographic differentiation)	Both	Standard pay monthly, standard pay G, IR packages, incl. Vodafone passport	Pence per minute	UK Sterling, VAT included	Standard tariffs	As above	Sent	No	-	Snapshot and illustrative only	Calculated by Ofcom using operators' websites

³ The information provided in the table hereby corresponds to the initial criterion planned by ANACOM, but might be revaluated depending on the future regulatory approach to be taken by the European Commission.

⁴ In spite of having initially defined some preliminary criterion relative to the tariff information to provide, ANACOM has recently decided that, for the time being, specific information on IR tariffs will not be published in its website, although it provides information on the operator's links where such tariffs are available. In fact, consumer's complaints on IR in Portugal are mainly related to the misunderstanding of the tariffing rules, and not related to the tariffs themselves. Besides, it was considered that at the moment consumers have several means to get information on IR tariffs and to compare them (e.g. CION website and GSM Association website). However, ANACOM will continue to evaluate the market evolution and such information may be provided in the future, namely if some of the mentioned reasons fall down.

Table 3

NRA	Type of information on IR		Link
	General	Tariff specific	
Nita Denmark	Since 1999	Since 28/3/2006	http://it-borgerportalen.dk/portal/page?_pageid=34,1421553&_dad=portal&_schema=PORTAL
OFCOM United Kingdom	Since 24/01/06	Since 24/01/06	http://www.ofcom.org.uk/advice/mobile_abroad/
ComReg Ireland	Since 07/03/06	Since 07/03/06	www.askcomreg.ie/roaming
AGCOM Italy	Since 03/02/06	Since 13/04/06	http://www.agcom.it/operatori/operatori_roaming.htm
PUC Latvia	Since 20/02/06	Since 20/02/06	http://www.sprk.gov.lv/?id=4586&sadala=305&setl=1
NPT Norway	Since 09/02/06	Since 09/02/06	http://www.telepriser.no/popups/utland/rammer.htm
UKE Poland	Since February 2006	Since February 2006	http://www.uke.gov.pl/urtip/index.jsp?place=Lead01&news_cat_id=170&news_id=971&layout=3&page=text
NCAH Hungary	Since June 2006	Since June 2006	http://www.tantusz.nhh.hu/roaming/index.php
ENCB Estonia	Since April 2006	Since 12/06/06	https://www.sa.ee/pk/roaming.php
CTO Czech republic	Since August 2006	Since August 2006	http://www.ctu.cz/main.php?pageid=233&PHPSESSID=8544f9fa70e0fb97c17f4a6d1913f33f http://www.ctu.cz/main.php?pageid=236
OCECPR Cyprus	Since 7/04/06	Planned	http://www.ocecpr.org.cy/nqcontent.cfm?a_id=1388&tt=ocecpr&lang=gr
RRT Lithuania	Since 10/11/05	Planned	http://www.rrt.lt/index.php?1806386287 - Inform20051011
ANACOM Portugal	Since 30/03/06	Planned	http://www.anacom.pt/template2.jsp?categoryId=187842
CTA Croatia	Since May 2006	Planned	http://www.telekom.hr/Default.aspx?sec=51
PTS Sweden	Since April 2003	No	http://www.pts.se/Sidor/sida.asp?SectionId=1402
MCA Malta	Since January 2006	No	http://www.mca.org.mt/library/show.asp?id=786&lc=1

Table 3 (continued)			
NRA	Type of information on IR		Link
	General	Tariff specific	
OFCOM Switzerland	Since 01/02/06	No	http://www.bakom.admin.ch/dienstleistungen/info/00542/01329/index.html?lang=en
RTR Austria	Since March 2006	No	http://www.rtr.at/roaming
OPTA Netherlands	Since 1/04/06	No	
ARCEP France	Since May 2006	No	http://www.arcep.fr/index.php?id=8710&L=
BNetZa Germany	Since 02/06/06	No	http://www.bundesnetzagentur.de/enid/2549ba5c761ebefcf3461d81bcc033e7,0/Regulierung_Telekommunikation/International_Roaming_2pc.html
ILR Luxembourg	Since may 2006 (only links to operators' sites)	No	http://www.ilr.etat.lu/tele/docs/index.htm#Informations
AK Lichtenstein	Since July 2006	No	http://www.llv.li/amtsstellen/llv-ak-mobilfunk/llv-ak-roaming.htm
TOSR Slovak Republic	Since May 2006	No	http://www.teleoff.gov.sk/sk/Uzivatelja/roaming.html
EETT Greece	Planned	Planned	
FICORA Finland	Planned	Planned	
ANRC Romania	Planned	Planned	
CMT Spain	Planned	Planned	
TK Turkey	Planned	Planned	
BIPT Belgium	Planned	No	
PTA Iceland	No	No	

4 The comparator site of GSM Europe

On the 10th of July 2006 GSM Europe, the European interest group of the GSM Association, representing 147 members in 50 European countries/areas, launched a web site (<http://www.roaming.gsmeurope.org>) that, according to its developers, will help consumers to find the best tariffs they can get from their mobile operator for making and receiving mobile phone calls when travelling abroad.

The website, that is available in six languages, English, Spanish, German, Italian, French and Dutch, shows the prices charged for international roaming retail services by 75 European operators that voluntarily decided to participate in the project. In particular, the website shows the prices for prepaid and post-paid schemes charged by individual operators for a two-minute (which was found the most common IR call length) peak-time call to a fixed-line in the traveller's home country, for receiving a two minute peak-time call from home and the cost of sending and receiving text messages when travelling within Europe. The website only display rates, in local currency and inclusive of VAT, charged by operators from the 25 EU countries; to their customers when travelling in the each of the 25 EU countries; not all possible combinations of home/destination country/operator are reported, since in some cases prices are not available due to lack of roaming agreements between the home and destination network. Any price listed must be valid for at least three months, this avoids the inclusion of promotional or event-linked tariffs.

The GSME website also provides direct links to operators' websites, a feedback form and a frequently asked questions section that explains in plain language how international roaming works and what are the principles of the IR charging structure.

Tariff information is directly fed into the website by operators who have password-protected access to the database of tariffs and can update it any time they change their tariffs. GSMA has put in place a procedure to check the correctness of the information provided on the website: since each operator has to notify GSMA a contact person, if GSME has any suspicion of wrong data, they ask the contact person to check the data. In case GSM does not get any response, the website reports that data is not available in order to avoid the provision of potentially misleading information.

The GSME website is consulted like a database: the consumer selects its home operator, the tariff scheme (pre-paid or post-paid), the destination country and the website returns the best tariffs charged by its home operator when roaming on the networks of all operators available in the destination country. The best tariff is shaded in grey in order to be more easily recognisable; in addition if consumers hover over each price, the website shows the details of that tariff.

Some members of the project team have found that there are discrepancies between prices published on the national websites of mobile operators (as well as those published on NRA websites) and prices published on the website of GSM Europe, but these discrepancies might relate to the fact that the website only offers "best price", i.e. the price a given customer pays if he subscribes to some offer or particular calling plan. Other members were not able not find significant differences between those prices.

Thus, in addition to the website of the European Commission and those of the NRAs, a further source of information for end-users has been established. Taken, that GSMA and European operators advertise this site widely, this industry initiative can help raising consumer awareness and increase tariff transparency.

5 Proposal that Information services on roaming retail prices might be provided by SMS

In Document ERG (05) 43 Rev 1, published following the November 2005 Plenary meeting, two scenarios for the provision of information by SMS were identified. The distinction between these scenarios rested on whether it would be necessary for the mobile user to request the information ("Pull") or whether the information would be sent automatically to the customer ("Push"). The advantages and disadvantages of the two proposals are outlined in the Report.

The Project Team reviewed the current situation regarding implementation of push/pull SMS messaging as a means of improving transparency of roaming tariffs for end-users.

The PT found that, in general, customers who roam abroad receive a generic Welcome SMS, typically from the hosting network. There are in addition a number of examples where SMS messages containing specific roaming tariff information are provided to end users. For example, an Italian MNO sends a "push" SMS to customers explaining how to obtain information on roaming charges for the country being visited, with the request charged at the normal rate of an SMS to Italy but with no charge for receiving the information. A similar facility is available from a Lithuanian MNO, but in addition to the SMS initiated by the user in order to get the prices (charged at standard IR rates), the user is charged by the home MNO a price of 0,45 LTL (0,13 Euro). In the UK one MNO provides a "pull" service for country specific information, including tariffs (using a short code). The service is free if requested in the UK and charged at normal rates outside. In Ireland, one MNO is trialling a "push" SMS for customers who roam abroad, providing tariff information for calls to Ireland, in-country calls and calls received. The service also identifies whether the customer is using the cheapest network and, if not, recommends which network to use and sets out the costs involved.

NRAs have differing views as to whether to proceed with SMS messaging as a means of providing information. Some NRAs are already in discussion with MNOs with a view to promoting SMS messaging as a voluntary measure, whereas others are considering doing so.

5.1 Legal Aspects

The current Regulatory Framework requires the provision of clear and publicly available information on communications services and tariff transparency. International roaming is a service which requires particular attention given the departure from "normal" charging structures both in terms of rates, that vary according to the destination and the roaming network, and in terms of the basis for charging (customers are also charged for receiving calls).

Under Article 8.4 of the Framework Directive NRAs have, as part of their objectives, the duty to promote the interests of the citizens of the European Union by, inter alia, promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic

communications services. Under Article 8.1, national regulatory authorities are required to take all reasonable measures aimed at achieving the objectives and that such measures be proportionate to those objectives.

A number of recitals to the Universal Service Directive refer to transparency of information, including tariffs, for the benefit of users. Recital 30, for example, refers to the importance of contracts and states that the measures to ensure transparency on prices will increase the ability of consumers to optimise their choices. Recital 41 also makes reference to transparency of tariff information in the context of number portability.

Article 20 of the Universal Service Directive establishes that Member States shall ensure that consumers have a right to contracts with undertakings providing connection and/or access to the public telephone network and that such contracts should specify particulars of prices and tariffs and the means by which up-to-date information on all applicable tariff and charges may be obtained.

Article 21 of the Universal Service Directive prescribes that Member States shall ensure that transparent and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of publicly available telephone services is available to end-users and consumers, in accordance with the provisions of Annex II of the Universal Service Directive. Annex II, paragraph 2.2 refers to the provision of standard tariffs covering access, all types of usage charges, maintenance, and including details of standard discounts applied and special and targeted tariff schemes.

Given the nature of roaming charges as outlined above, the Project Team considers that transparency of tariffs may not be fully achieved within the normal means used to communicate charges to customers. Accordingly, the November 2005 report, identified the possibility of utilising SMS as a means of communicating relevant and up-to-date information to customers for whom it would be appropriate. The question to be considered is whether this can be imposed as a general duty on mobile operators or whether an alternative approach should be adopted.

Co-regulation is recognised as a way of achieving the goals of the Universal Service Directive. In Recital 48 it is stated that co-regulation could be an appropriate way of stimulating enhanced quality standards and improved service performance. Co-regulation should be guided by the same principles as formal regulation, i.e. it should be objective, justified, proportional, non-discriminatory and transparent. An example of industry agreement or industry self-regulation is the GSM Code of Conduct.

Decisions on the approach will be guided largely by an examination of whether or not, mobile operators, individually or collectively, comply with the provisions regarding tariff transparency. Given the information already provided by MNOs on their websites and/or through customer care call centres, NRAs would need to be satisfied that it would be reasonable to require additional information by SMS. For example, customers requiring retail roaming tariff information need to initiate the process themselves and may find the information currently provided confusing, especially if unfamiliar with the structure of roaming charges through different billing increments, minimum charges, set up charges, etc. A brief survey undertaken by the IRTT team members to help formulate its initial proposals, found that the ability of call centres to provide all the information needed may be hampered in part by the fact that the customer may not know which information to seek.

There may be therefore grounds for concluding that the aims of tariff transparency are not being universally achieved but there are examples at individual Member State or MNO level where it is. Moreover it is the PT's view that even where consumer awareness of roaming tariffs is less than optimum, this does not necessarily indicate that the regulatory requirements placed on MNOs by the provisions of the Directives are being breached.

At a national level, most NRAs who have considered the issue were of the view that the provisions of the framework were not sufficiently robust to permit the imposition of a mandatory obligation on all MNOs to provide tariff information by SMS. In fact, as shown in the following table 4, of the 17 NRAs that reported to the PT the outcome of their national analysis, ten concluded that the imposition of the SMS solution was very difficult (and in some cases not legally feasible), six were still carrying their analysis and only one concluded that the transposition in national legislation of the Directives gave the NRA enough discretionality to choose under which form information on tariffs should be provided by part of telecommunications operators.

Whilst it was recognised that there was a degree of discretion available to NRAs which could, in certain circumstances, permit an NRA to specify such a requirement, this would need to be exercised in a reasonable and proportionate manner. Some NRAs indicated they were considering advancing the matter through discussion with MNOs.

In conclusion, without prejudice to the ongoing in-depth analysis of the technical feasibility of SMS solution, it may be that a better understanding of the regulatory actions to be adopted by the European Commission in relation to international roaming could make this easier to implement effectively.

Table 4: Analysis of the legal feasibility of the imposition to MNOs of a duty to send SMS containing IR tariff information

Nation	Outcome of the analysis
Austria	There is no legal enforcement for the Austrian NRA to impose tariff information via SMS.
Croatia	The issue is under study.
Cyprus	The issue is still under study.
Denmark	In NITA's opinion it is not possible under the current Danish regulation to impose either a push or a pull SMS solution on providers.
Estonia	The legal feasibility of imposing to MNOs the duty to provide IR tariff information via push or pull SMS is very poor.
Finland	According to Finnish Communication Market Act telecommunications companies has to publish tariffs in a way that they are easily available to end-users without payment. So, it is enough if IR prices are available in website or by calling to free customer service. We can't determine that MNOs have to provide IR tariff information via SMS. The law has to be changed if we want to impose such an obligation.
Germany	There does not seem to be a sufficient legal basis to impose the duty to provide tariff infos by means of SMS in Germany.
Greece	There's no sufficiently clear legal basis in Greek law allowing to impose to mobile operators further information obligations.
Ireland	Article 21 of the Universal Service Directive has been transposed into Irish Law through secondary legislation which states: "The Regulator shall ensure that transparent and up to date information on applicable prices and tariffs, ... is available to end users and consumers in accordance with this Regulation." A case by case examination would need to be considered on whether individual MNOs complied with the provision of the Directive as transposed. Only if it could be established that the MNO in question was in breach of its duty could the imposition of SMS as a remedy be contemplated i.e. the MNO would be directed by ComReg to institute SMS alerts for roamers as it had failed to make the tariff information "available" to end-users.
Italy	The legal provisions of article 8 of the Framework Directive and articles 20 and 21 of the Universal Service Directive have been implemented into national legislation at articles 13, 70 and 71 and annex 2 of the Italian Code of Communications of September 2003. According the aforementioned articles, wide margins of discretionality are left to the NRA in deciding whether operators have to provide tariff information through call centres or websites or any other form of communications like SMS. This decision has, of course, be based on the general principle of proportionality.
Lithuania	The provisions of the Framework Directive and the Universal Services Directive were transposed into the national law by the Rules of Electronic Communication Services Provision, a new wording of which is with effect from 31 December 2005. According to the Rules, there is no obligation for mobile operators to include international roaming tariff information in the SMS (Welcome SMS, push or pull SMS). If the results of consumer surveys show that the SMS measure (in full extent) is in demand, and the legalization of this measure will be supported by local mobile operators, RRT will initiate amendment of the Rules, including the obligation for mobile operators to provide information about international roaming tariffs for their subscribers by SMS.
Netherlands	OPTA currently has no legal basis to enforce more transparency obligations, e.g. those based on SMS as suggested in the report of the PT.
Portugal	Under investigation.
Romania	Transparency measures based on SMS pull and/or push mechanisms, as described in the ERG (05) 43 rev1 report, are currently under investigation. It is most likely this issue will be dealt with in the ANRC president decision on transparency of retail tariffs expected for mid 2006.
Slovakia	According to the act on electronic communications, operators are obliged to publish the tariffs, but the act doesn't specify the way of publication. This obligation (push SMS) seems to be introduced more on voluntarily than on mandatory basis.
Switzerland	No legal feasibility to impose the provision of tariff information by SMS. Basically, telecom operators have the obligation to publish updated price lists, on which roaming tariffs are also mentioned, and consumers can consult those lists before the go abroad.
Spain	CMT has not assessed the legal feasibility of transparency measures based on SMS yet and this issue will be considered in a second phase.
Czech republic	According to the act on electronic communications, operators are obliged to publish the tariffs, but the act doesn't specify the way of publication. This obligation (push SMS) seems to be introduced more on voluntarily than on mandatory basis.
Turkey	The feasibility of imposing the SMS measure has not been studied yet.

5.2 Technical Aspects

In order to allow each subscriber to use its network, a mobile network operator must know at any time what subscribers are registered on its network. This is achieved by the operator through the creation of databases that hold information covering both their subscribers and roaming customers.

The following is a high level description of the arrangements which currently occur and allow a MNO to be aware of which country/network its customers are located. While the general concept holds true, the technical details will differ, depending on each network's architecture and topology.

The Home Location Register (HLR) is a central database that contains details of each mobile phone subscriber that is authorised to use the MNO's GSM network. More precisely, the HLR stores details of every SIM card issued by the mobile phone operator. Each SIM has a unique identifier called an International Mobile Subscriber Identity (IMSI) which is the primary key to each HLR record.

Other data stored in a SIM record on the HLR include:

- Network services that the subscriber is authorised to use;
- Call diversion settings applicable for each associated Mobile Station International ISDN Number (MSISDN);
- Current Location of subscriber.

In addition to the HLR, each network operates a Visitors Location Register (VLR) for each mobile switching centre (MSC) on its network. This is a temporary database of authorised users within the relevant coverage area. The user's identity is established by the International Mobile Subscriber Identity (IMSI) which contains the Country Code, the Network Code and the unique subscriber number.

When a user roams on another network, the VLR establishes the identity of the subscriber's network by the country and network codes in the IMSI. The first issue to be established is whether or not there is a roaming agreement between the networks. If there is, it is then necessary to establish what roaming rights the individual subscriber has. This is established by the VLR requesting the information of the subscriber's HLR. Assuming that the response is positive, the VLR is then updated to authorise the use of the network by the roaming user in accordance with the particular level of rights.

At that point the subscriber's network is made aware of the territory and network in which the subscriber is seeking to avail of services. The visited network is also made aware of the subscriber's status at that point.

When a user activates a handset outside the home territory, the foreign network usually sends a tailored Welcome SMS in the user's own language. This is implemented by using a system such as Welcome SMS. The Welcome SMS system can detect inbound and outbound roaming subscribers, and send pre-defined SMS content to them. Normally only the visited network sends such messages, but the system can accommodate SMS being sent by the home network.⁵

⁵ In fact, in some cases, the user receives SMS from both the home and the visited MNOs.

The costs of sending Welcome SMS are generally borne by the sending network; the messages are generally predefined and country specific. Welcome SMS systems are usually developed as standard packages but may need customisations in order to integrate them with the Administrative, Operational and Support systems in the MNOs' network.

In addition to establishing the procedures and software to automate the sending of SMS, it would be necessary to create and maintain databases to support the provision of data so that the SMS would give the roaming subscriber correct tariff information. SMS for each possible variant (price plan, pre-pay, pay monthly, business user, *etc.*) would need to be developed. This may have to be further refined to take account of the position of customers of resellers.

However, notwithstanding the above, the Project Team notes that the practicality of both Push and Pull SMS has been accepted/considered by some MNOs as a means of providing (by their own initiative) a variety of information and is currently being made available to customers e.g. Lithuania, Italy.

6 Conclusions on SMS

The Project Team notes that there does not appear to be technical obstacles to an MNO providing an SMS information service to its customers with a number of MNOs currently providing such a service. The Project Team also notes that the cost of developing such a service may be significant and will vary between MNOs depending on the individual features of each network and the structure of roaming charges which each apply, the type of information to be provided and the customisation of such information. In the circumstances where the future structure of such charges is unclear, potentially being subject to future regulation, the Project Team recognises that it may be appropriate to consider the proportionality of any mandatory requirement in advance of a regulation. This is without prejudice to whether such a mandatory requirement may be imposed. Most of the NRAs who have considered the issue (see section 5.1) were of the view that the provisions of the framework were not sufficiently robust to permit the imposition of a mandatory obligation on all MNOs to provide tariff information by SMS.