



ERG (07) 40

INTERNATIONAL ROAMING REGULATION

OFFERS TO CUSTOMERS CONCERNING ROAMING TARIFF OPTIONS

ERG GUIDELINES - 1st Release

ERG believes it may be useful to market players if it sets out some guidance on how NRAs expect to interpret the provisions in Art 4 of the Regulation on contacts between Home Providers and their customers during the first few months after publication of the Regulation. These guidelines are complementary to the provisions set out in the Regulation, and are not presented as a legal interpretation of those provisions.

Article 4(1) requires providers to “make available and actively offer” a Eurotariff to all customers. At the same time, providers must remind customers who had previously chosen a “special”¹ roaming tariff or package “of the conditions applicable to that tariff or package”

Article 4(3) specifies that customers on “special” tariffs have an option to switch to the Euro-tariff but will not be switched automatically. Other customers will be switched automatically to the Eurotariff if they express no other preference. Article 4(3) also specifies various time limits regarding switching of existing customers to the Eurotariff.

Article 6(3) specifies rules governing the information supplied to customers on roaming charges.

On this basis, ERG has developed the following guidance on offers to customers concerning roaming tariff options:

Contacts between mobile service providers and their customers about tariff options

Existing customers

- (1) All customers will be contacted individually by their service providers concerning their tariff options.
- (2) Customers should be informed about all available tariffs, in particular the Eurotariff, when they opt for any roaming tariff.
- (3) The form of contact should be designed to capture the customer’s attention and should not be capable of being overlooked easily.
- (4) Information provided should be fair and unbiased. Where comparisons are made between prices charged under different tariffs, such comparisons

¹ See separate ERG Guidelines on “special” tariffs



should be given for a reasonable range of types and durations of calls, where these factors are relevant. They should also incorporate one-off charges (such as call set-up, call attempt or other fixed charges) if they are relevant to a particular tariff or package.

- (5) Customers should be informed whether or not they are on “special” tariffs (and, if so, on the conditions applicable to that tariff) and whether (and, if so, when) or not they will be transferred automatically to the Eurotariff if they express no explicit preference.
- (6) Customers should be provided with contact details so that they can easily obtain any additional information they need to make their tariff choice.
- (7) The procedure for switching to a Eurotariff should be clear and simple

New customers during the initial 3 month period

- (8) The obligation to provide full information on applicable roaming charges, in particular on the Eurotariff, when taking out new subscriptions, as set out in article 6(3), is valid from the day the Regulation enters into force.
- (9) All new customers should be offered a Eurotariff at the point of sale.
- (10) Where for objectively justifiable reasons a Eurotariff could not be offered at the point of sale, customers should be contacted individually without delay with a Eurotariff offer as soon as the tariff is first offered to any existing customers. In such cases the information obligations stated in points (2) to (6) above apply.
- (11) New customers placed on a Eurotariff need not be contacted further during the initial 3 months

Timing of contacts with customers and of transfers to the Eurotariff

Initial 3 month period

- (12) Article 4(3) requires that by 30 July 2007 existing customers are offered the Eurotariff. If they request a switch of tariff in response to that offer, the switch shall be implemented within 1 month of the customer’s request.
- (13) All new and existing customers who have not explicitly chosen special tariffs should be placed automatically on a Eurotariff by the earlier of the following 2 dates
 - 30 September 2007



- 2 months after the date they received the Eurotariff offer

(14) ERG believes that it would be practical and highly desirable for all switches to the Eurotariff requested before 30 September 2007 to be completed by that date, so that those customers who make an explicit choice are not treated less favourably than those who have expressed no choice.

(15) The time limits set out in (10) above imply that a Eurotariff should be introduced by home providers at the latest within 2 months of the date the Regulation enters into force so that it can be made available at that time to existing customers who opt for it.

(16) ERG believes it would be reasonable and practical for a Eurotariff to be supplied to new customers who opt for it no later than the **first** date on which the tariff is made available to existing customers.

After the initial 3 month period outlined above

(17) Article 4(4) grants the right to all customers to request a switch between roaming tariffs, normally within 1 working day of the request. The service provider is permitted to enforce a minimum tariff period for the customer's previous roaming tariff before activating such a request, provided that the minimum period does not exceed 3 months.

Bundling of domestic and roaming tariffs

(18) Article 4(1) provides that a Eurotariff may be "combined with any retail tariff". Therefore **no** domestic tariff may be offered with the condition that it is available only for customers not on a Eurotariff.

July 2007