

**WIND Hellas Telecommunications S.A. comments  
on ERG Draft Guidelines on International Roaming Regulation  
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WIND Hellas welcomes the exercise undertaken by the ERG to update the December 2008 Guidelines so as to bring about certainty in the interpretation to be given to the new provisions of the revised Roaming Regulation (rRR) allowing, as much as possible, for a smooth implementation by operators.

At the same time, we caution the ERG and the NRAs, to use these guidelines to go beyond the spirit of the revised Roaming Regulation and to extend the scope of the obligations not only in words but also in consequent acts that would entail only burdensome adjustments for operators (technical platforms, IT procedures, customer care handling etc.) with no direct profit for the end-users. This is the case for example with the discussion around the application of the volume/monetary limits also to prepay schemes (point 22 in the ERG paper) and around the ways in which the ERG sees services should be offered (point 17 in ERG paper).

In the specifics, we are concerned with the obligation relating to providing the “information on the possibility of accessing emergency services by dialing the European emergency number 112 free of charge” (art.1 point 10 para. 1 of the rRR and point 8 of the ERG paper). Indeed, in the interest of our subscribers, we cannot guarantee that our roaming partners support this service and therefore we do not feel comfortable in informing them on such a vital service and not been responsible for its completion.

As far as the personalised information is concerned (Art. 1 point 10 (new article 6) para. 2), the explanations provided for in the ERG paper (point 15 -16) do not appear to cater for the problematic nature of the said provisions. As currently stated, it looks quite unlikely for operators to be able to set a free “chat line” to cover the undefined scope of “information on the transparency measures applicable by virtue of the Regulation”. While we agree that information should be provided to roaming customers regarding the maximum charges while in the visited country for roaming voice calls, SMS and data, we question the viability of this latter. Setting up such a service entails new investments (at a loss since it is a service offered for free but the operators shall be billed wholesale) with no proven benefit for the end-user.

As far as art.1 point 11, new article 6a, is concerned, we would like to remark that:

- due consideration should be given to old and new subscribers as far as the provision of “timely” transparency information is concerned;

- the triggering event of entering a Member State **and** initiating a roaming session does neither appear to be workable (notification upon beginning of session is technically difficult) nor customer friendly (risk of overloading customer with information at inappropriate times);
- with the reaching of the barring or limit case (cut the service when a default limit reached) the rRR is interfering with the supply of the service as it is, since it imposes the ceasing of the service after a limit is reached and contradicts itself (6a) by distorting the competitive conditions between mobile operators within the Community. While being technically not always feasible or reliable it may well end up notifying the customer once the 100% limit may have been reached, disconnecting it without consent, it also introduces some sort of competitive advantage for the big Mobile Groups and affiliates (due to huge IT costs and human resources) required to quickly implement the requested expenditure (volume and monetary) control measures;
- the clarification brought about by the ERG in its point 21, corresponding to the wording of Art. 1 point 11 para 3 on the change from the opt-in to the opt-out methodology as of July 2010 makes void the free choice of the end-user to opt for a “*no limit* limit”. We believe that the free choice of a, now, fully informed customer should not be prescribed by a regulatory decision.

To conclude, we trust that the ERG and the NRAs will take due consideration of the concerns expressed by the mobile community on the implementation of the rRR. In this respect, in addition to the comments here above, we fully subscribe to the points raised by the GSMA/Europe on the issue.