

Public consultation on the updated BEREC Guidelines on Intra-EU communications

10/03-10/04/2020

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Deutsche Telekom

In general, we understand the reason for BEREC to review the Guidelines on Intra-EU-Communications, as new benchmark values have to be taken into account for new applications for derogation procedures. Nevertheless, we would like to point out, that any further changes produce insecurities for operators how to implement the relevant rules. (see particular comment to P.9)

Deutsche Telekom disagrees with the change in guideline 9, which does not reflect the rules set up by the regulation 2015/2120 but would extend this regulation over its scope. The regulation requires operators to allow consumers to switch from or back to a regulated tariff for Intra-EU-Communications. As the words “from” and “back” already indicate the assumption of this rule is, that the consumer has a tariff which allows Intra-EU-Communication at all. Otherwise the consumer could not switch from such a tariff to any other tariff. Therefore, an understanding of Art. 5a paragraph 4 as an obligation to offer tariffs including Intra-EU-Communication goes too far and is not covered by the regulation itself. Guideline 9 should remain unchanged.