



The Consumer Voice in Europe

## PUBLIC CONSULTATION ON THE UPDATED BEREC GUIDELINES ON INTRA-EU COMMUNICATIONS

BEUC's response



**Contact: Maryant Fernández – [digital@beuc.eu](mailto:digital@beuc.eu)**

**BUREAU EUROPÉEN DES UNIONS DE CONSOMMATEURS AISBL | DER EUROPÄISCHE VERBRAUCHERVERBAND**  
Rue d'Arlon 80, B-1040 Brussels • Tel. +32 (0)2 743 15 90 • [www.twitter.com/beuc](http://www.twitter.com/beuc) • [www.beuc.eu](http://www.beuc.eu)  
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## Why it matters to consumers

Since the abolition of roaming charges three years ago, consumers – until last May – faced a somewhat absurd situation. They could use their mobile phones when making calls outside their home country without fear of price hikes. However, the cost for consumers calling from their home country to another EU country could still be very high. Since 15 May 2019, an EU law capped the price for calls to another EU country at 19 cents and at 6 cents for SMS (VAT excluded). The Body of European Regulators for Electronic Communications (BEREC)'s guidelines serve to clarify the practical implementation of EU rules and ensure a consistent application across the EU.

## Summary

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*BEUC – The European Consumer Organisation generally welcomes BEREC's updated intra-EU communications guidelines. We provide some comments to improve the final draft.*

### **BEUC comments to BEREC's proposed modifications**

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#### **Deletion of paragraph 5**

The deletion of this paragraph is reasonable if it refers to a specific time component. Since there are no price caps for international communications, users should be able to buy fixed volume packages in the future as well.

#### **Deletion of paragraph 6**

By deleting this paragraph, particularly its last two sentences, it is now unclear how BEREC and national regulatory authorities (NRAs) would interpret the regulation of number-independent interpersonal communication services in this context. Deleting this provision could only mean that the Guidelines are only applicable to number-based interpersonal communication services. Considering evolving technologies and markets, this may lead to uncertainty in the interpretation and implementation by NRAs. BEUC recommends reinstating this paragraph, particularly the last two sentences.

#### **Comments to former paragraph 9 (now 8)**

While BEREC's Regulation excludes VAT from the caps, BEUC would recommend applying VAT per second, not per minute, as this is more favourable to consumers.

#### **Amendments to former paragraph 16 (now 15)**

- ***"Operators that offer such alternative tariffs must in any case offer the same domestic tariff plan (under the conditions mentioned in Guideline 20) with a regulated tariff."***

This clarification is welcomed as consumers should get used to the new regulated tariffs as a regular part of the providers portfolio.

### **Comments to former paragraph 21 (now 19)**

For the sake of legal certainty, in line with recital 47 of the BEREC Regulation, BEUC recommends adding “free of charge and” before “in accordance with the national legislation”.

### **Amendments to former paragraph 25 (now 23)**

This is an important addition. For example, our Danish member Forbrugerrådet Tænk found out fraud cases where people were duped into calling numbers abroad, which were in fact PRS (Premium Rate Services).

### **Amendments to former paragraph 52 (now 50)**

Considering how things evolve, NRAs should be granted more than a month’s period to evaluate an application as this process could be time-consuming. The wording in “minimum” deadline could imply that providers could demand a short evaluation period of one month. BEUC recommends changing this wording to ensure NRAs have appropriate time to evaluate the application, demanding more time if the evidence provided is not objective or the providers’ application is incomplete.

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