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24 June 2022

**Subject:** Transatel contribution to the BEREC Consultation (BoR (22) 55) - BEREC Guidelines on the application of Article 3 of Regulation (EU) 2022/612 of 6 April 2022 on roaming on public communications networks within the Union (**Wholesale Roaming Guidelines**)

Dear BEREC team,

Transatel welcomes this BEREC consultation and would like to comment the draft BEREC guidelines as it follows. Please kindly note that Transatel contribution is supplemental to the MVNO Europe contribution, and only gives a few additional comments based on Transatel own experience.

#### **Guideline 5. Refusal of requests**

Transatel agrees with the clarifications that are made by BEREC and suggest that, notwithstanding all the clarifications that are made in this Guideline 5, the Regulation/BEREC also clarifies that permanent roaming access requests for the provision of IoT services based on international numbering resources should be met. Insofar, as of today, some European MNOs (notably in Germany) still refuse to give access to their networks for permanent roaming and at reasonable economic conditions, to European IoT players. This is a huge problem for the European cross-border IoT market.

#### **Guideline 12. Machine-to-machine communications**

Transatel regrets that the Regulation/BEREC does not explicitly include an obligation for MNOs to accept requests for permanent roaming access for IoT connectivity and only an incentive, as (1) this access is indeed critical for the development of the European cross-border IoT market and (2) some operators in some countries (notably Germany) refuse to negotiate in good faith such permanent roaming agreements for IoT, at reasonable economic conditions. Transatel is concerned that the European Regulation and BEREC are not ambitious enough on this point.

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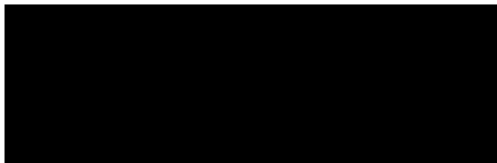
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**Guideline 34. Information about permanent roaming and anomalous or abusive use & Guideline 35. Measures to prevent permanent roaming or anomalous or abusive use**

Regarding these measures, Transatel believes that the regulation/BEREC should issue clear prohibitions preventing MNOs from applying:

- Disproportionate penalties (i.e. penalty higher than 20% of the applicable price) in case of permanent roaming or anomalous or abusive use. Indeed, MVNOs do not always have the tools to control the uses made through their platform, and this should not be a reason to apply a penalty that could put such MNVOs out of business (as some EU MNOs threaten to do).
- Bandwidth limitations. For example, some EU MNOs are limiting the data transmission rate in download and upload for the MVNOs while roaming. As such limitations do not allow the MVNOS to offer a quality-of-service continuity to their clients while roaming and are discriminatory, such bandwidth limitation should be prohibited.

Please do not hesitate to contact Transatel team in case further clarifications are needed regarding this contribution:



Your sincerely,



  
**Transatel President**

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