



Liberty Global response to the BEREC consultation on the draft Guidelines on Retail Roaming

Liberty Global welcomes the opportunity to provide feedback on the draft Guidelines on Retail Roaming (draft Guidelines). We support the majority of the draft Guidelines and welcome the clarity and legal certainty it brings, essential for roaming providers and for roaming customers alike. In addition, all regulatory policies should abide the principles of appropriateness and proportionality. With this in mind, there are a number of areas where further guidance is needed. In particular, the requirements relating to contracts, the level of information on Quality of Service (QoS) and the provision of information related to emergency services should be further clarified. Throughout this document, where we refer to “Guideline X”, we are referring to a provision in the draft Guidelines on Wholesale Roaming. Where reference is made to “Article X”, we are referring to an article in the Roaming Regulation.

Quality of service

Quality of service plays a key role in the Roaming Regulation and we recognise its importance to the roaming customer. We agree that transparency around available QoS and the impact it could have on specific types of content, applications and services is important to ensure that customers are adequately informed. However, some of the provisions related to transparency around QoS are disproportionate.

The requirement in Guideline 145 to provide information on QoS per available visited network is overly onerous for providers and provides very little additional benefit for customers. The parameters which determine QoS are varied and constantly evolving. Requiring the visited network to provide regular updates on QoS to roaming partners, or requiring roaming providers to constantly check on QoS changes on visited networks, places a disproportionate burden on both – without clear consumer benefits that would outweigh these disproportionalities.

In addition, information on some of the parameters which impact QoS, e.g. information on network upgrades, may be commercially sensitive. Requiring disclosure of commercially sensitive information could have negative impacts on competition, is disproportionate and there is no clear benefit outweighing negative impact. We believe providing more general information on the network generation and QoS available per visited country provides customers with the information necessary to understand availability and useability of services and applications while roaming, while avoiding a disproportionate burden on both the roaming provider and visited network.

Contract summary template

There are significant existing legal obligations regarding contract requirements. We recognise the importance of ensuring that contracts are clear, concise and communicate all relevant information



to customers. It is important that customers are not overloaded with unnecessary information to the detriment of their ability to understand the contract.

The purpose of the contract summary template under the European Electronic Communications Code is to provide customers with a summary of the main terms of the contract so that consumers can more easily compare offers for services to make an informed choice. Operators have recently made big efforts to implement the contract summary template and integrate it into their provisioning systems. Requiring them to open this up to include the volume or quantity for calls, messages and data in the “services and equipment” section of the contract summary template – as suggested under Guideline 139 – is disproportionate as it deviates from the current practice, which only includes information on the Fair Use Policy (FUP). It is also disproportionate as it provides an excessive amount of information to the consumer, undermining the usefulness and purpose of the contract summary template.

Liberty Global recognises that reliable, easily accessible, transparent and up-to-date information empowers end-users to make informed decisions. Providers know that the best way to do this is to present the most salient information in a brief, simplified format and at the right time. With such a wide range of information on a variety of relevant topics, it is important that providers do not overload consumers by providing too much information and that duplication is avoided. Moreover, the template should not seek to reproduce the whole (or majority) of the contract, or the product/service specifications. The relevant information is included in the contract which is provided to the customer, in addition to other sources of information including the providers’ website. We note that the wording in Guideline 139 does not make this a mandatory requirement. We urge BEREC to ensure that this does not become a mandatory requirement for the reasons outlined above.

Access to emergency services

Liberty Global recognises the importance of ensuring that roaming customers can access emergency services while travelling. We welcome the greater clarity on how to ensure this access provided in the Guidelines. However, there are a number of areas where further guidance is necessary. In particular, the role of the database to be established under Article 16 should be made clearer.

Guideline 105 outlines that charges should not be levied on roaming customers for emergency communications to the nearest PSAP. Guideline 106 clarifies that this includes calling the single European emergency number “112” and “alternative means of access to emergency services through emergency communications.” Guideline 106 does not specify that these “alternative means of access” should be listed in the database established and maintained by BEREC under Article 16. Reference to this database should be included in Guideline 106 to avoid uncertainty as to which “alternative means of access” are in scope.

Guideline 133 states that if a public warning mobile application for the receipt of public warnings is reported in the database for a Member State under Article 16, a link to this application should be



included in the message received by roaming customers. We support this provision. However, it is not clear that a link to the application itself will be included in the database, rather than a mere report of the application's existence. We urge BEREC to ensure that appropriate and working links to the relevant applications are also provided in the database. This will ensure providers are able to provide accurate information and links to roaming customers.

Access to information on emergency services and VAS

Article 13(1) states that the message received by roaming customers on entering a Member State should include "a link to access, free of charge, a dedicated webpage providing up-to-date information about the types of services that may be subject to increased costs" [emphasis added]. Article 15 states that the message received by roaming customers outlining how to access emergency services should include "link to access free of charge a dedicated webpage, accessible to people with disabilities, which provides information on alternative means of access to emergency services through emergency communications mandated in the visited Member State." [emphasis added].

It is unclear from the text of the Regulation if this envisages the zero-rating of these webpages for roaming customers. The Guidelines do not provide further clarity on this question, with Guideline 132 largely restating the language of the Regulation. This creates significant legal uncertainty for roaming providers. Zero-rating of webpages or content is largely prohibited under the Open Internet Regulation (OIR). In the case that the Regulation and Guidelines do envisage the zero-rating of webpages containing information on VAS and emergency communications, it should be clarified that this qualifies as an exception under Article 3(3) of the OIR. This would reduce legal uncertainty for roaming providers, otherwise risking lack of compliance with either or both pieces of legislation.

However, due to the legal prohibition on zero-rating, most providers do not have systems in place to allow for zero-rating of webpages. Adjusting existing systems to allow for zero-rating of a small number of webpages is costly for providers. It is also not clear that zero-rating these webpages will bring significant benefits to roaming customers – the majority of customers will only access these webpages once, if at all. As such, it is unlikely to have a significant impact on their overall data bundle.

Given the significant regulatory uncertainty, cost and limited customer benefit associated with zero-rating of these webpages, we would recommend that BEREC makes clear that zero-rating of these webpages is not necessary. Ensuring the information is available on a webpage which is not behind a paywall should be sufficient to ensure roaming customers have access to the information they need.

About Liberty Global

Liberty Global (NASDAQ: LBTYA, LBTYB and LBTYK) is a world leader in converged broadband, video and mobile communications services. We deliver next-generation products through advanced fiber



and 5G networks, and currently provide over 85 million fixed and mobile connections* across Europe and the United Kingdom. Our businesses operate under some of the best-known consumer brands, including Virgin Media-O2 in the U.K., VodafoneZiggo in The Netherlands, Telenet in Belgium, Sunrise in Switzerland, Virgin Media in Ireland and UPC in Slovakia. Through our substantial scale and commitment to innovation, we are building Tomorrow's Connections Today, investing in the infrastructure and platforms that empower our customers to make the most of the digital revolution, while deploying the advanced technologies that nations and economies need to thrive.

Our consolidated businesses generate annual revenue of more than \$7.5 billion, while the VodafoneZiggo JV and the VMO2 JV generate combined annual revenue of more than \$19 billion.**

Liberty Global Ventures, our global investment arm, has a portfolio of more than 75 companies and funds across content, technology and infrastructure, including strategic stakes in companies like ITV, Televisa Univision, Plume, Lionsgate and the Formula E racing series.

** Represents aggregate consolidated and 50% owned non-consolidated fixed and mobile subscribers. Includes wholesale mobile subscribers of the VMO2 JV and B2B fixed subscribers of the VodafoneZiggo JV*

*** Revenue figures above are provided based on full year 2021 Liberty Global consolidated results (excluding revenue from the U.K. JV Entities) and the combined as reported full year 2021 results for the VodafoneZiggo JV and estimated U.S. GAAP full year 2021 results for the VMO2 JV. For more information, please visit www.libertyglobal.com.*