

**TeliaSonera group response to the BEREC consultation on
BEREC Guidelines on the separate sale of regulated roaming services (Articles 4 and
5 of the Roaming Regulation)**

The TeliaSonera group welcomes the opportunity to respond to the BEREC consultation on BEREC Guidelines on the separate sale of regulated roaming services (Articles 4 and 5 of the Roaming Regulation).

May, 2013

GENERAL QUESTIONS

1. Time for implementation of the decoupling method (Guideline 1)

Q1: Do you consider that a period of 4 months is sufficient for MNOs as well as for ARPs to prepare the functionalities for decoupling in order to allow ARPs to provide retail roaming services on 1st of July 2014? If your answer is no, please specify what period should be sufficient and provide justification why the period should be longer.

A1:

Due to the overall complexity of implementing the decoupling solutions and the fact that the technical requirements and the final BEREC Guidelines will only be available 12 months before the 1st July 2014, it would be inappropriate to require MNOs to have implemented necessary facilities for testing the separate sale of roaming services before 1st July 2014.

2. Standardization and documentation (Guideline 3)

Q2: Is there any additional provision to be considered regarding the use of standards, reference documents and access to documentation by access seekers?

A2: There is no need for additional provision regarding the use of standards, reference documents and access to documentation by access seekers.

3. Authorization regime (Guideline 4)

Q3: Do you have any concerning the authorization regime for the ARP?

A3: We agree with the BEREC guideline –the notification process shall be in accordance with local law.

4. Fraud management and M2M services (Guidelines 7,8)

Q4: Is there any additional issue that should be considered in the BEREC guidelines for interception and data retention, fraud management and M2M services?

A4: Fraud management procedures shall be according to the output of the stakeholder forum.

QUESTIONS ON LOCAL DATA ROAMING SERVICES

5. Customers' right to return to the default roaming mode (Guideline 9)

Q5: Do you consider that the fallback from ARP providing local data roaming services to the previous roaming provider needs more clarification? Is there any additional

issue that BEREC should take into account in the guidelines regarding the switching process from local data roaming services to traditional roaming and the rights of the customers when using local data roaming services?

A5:

Yes, the fallback from ARP providing local data roaming services to the previous roaming provider needs more clarification.

The fallback shall be initiated by the customer and will not happen automatically. Customer shall make changes on APN setting, activating the default APN mode of traditional roaming, thus enabling the fallback to the default roaming mode.

ARPs should have an obligation to provide their customers with all necessary information how to make changes on APN settings to restore default roaming mode.

6. Provision of local data roaming services by third operators (Guideline 10)

Q6: Do you consider that there is any provision in the regulation supporting obligations for MNOs to provide wholesale services to other stakeholders for allowing them to provide local data roaming services? If so, please provide your justification based on the regulation.

A6: There are no legal obligations for MNOs to provide wholesale services to other stakeholders (like MVNO and resellers) for the purpose of providing local data roaming services on MNOs networks. On the other hand, there is nothing that prevents this from being solved with commercial agreements.

7. Local data roaming services outside the EEA and use of universal Access Point Name by non-EEA roamers (Guidelines 11, 12)

Q7: Do you consider that the guidelines should address any additional issues about using local data roaming services outside the EEA or by non EEA customers? (Please, consider in your response that the roaming regulation does not apply to non EEA operators)

A7:

The guidelines should not address any additional issues about using local data roaming services outside the EEA or by non EEA customers.

Usage of local data roaming services by non EEA customers is under control of home networks of non EEA customers.

8. Universal APN in HLR (Guideline 14)

Q8: Do you consider that there is a technical constraint pointing a different model for allowing by default the use of the Universal APN? If so, please explain.

A8: The guidelines should not explicitly mention the HLR where the universal APN shall be provisioned, as there can be different implementations even without HLR.

Instead the guidelines should refer to the provisioning of local data roaming subscription data towards the local data roaming provider (visited network). The subscription data shall be provided according to the output of the stakeholder forum. According to that, the data will contain the Universal APN EUInternet and technical parameter allowing the usage of local data roaming.

Local data roaming provider shall respect the local data roaming subscription data provided by home network and shall not offer the service if such a subscription does not exist.

9. Barring and blocking ARPs providing local data roaming services (Guideline 15)

Q9: Do you consider that the BEREC guidelines should consider any additional exception for barring and/or blocking? If so, please explain and justify the compliance of the proposal with the regulation.

A9: There is no need to additionally specify barring and/or blocking conditions in the guidelines.

10. Traffic steering (Guideline 16)

Q10: Should BEREC consider any other issue about traffic steering? Please describe and justify the need according to the regulation.

A10: There are no issues with traffic steering if customer make manual network selection of local data roaming provider.

11. Manual selection of networks and automatic reconfiguration of the terminal (Guidelines 17, 18)

Q11: Is there any additional issue or obligation to be considered in the guidelines about manual selection of networks in the terminal and about rights for donor roaming providers to perform automatic restoration?

A.11:

The possibilities of Donor operator or ARP to influence the capabilities of customer equipment, incl. manual network selection and automatic restoration of internet access settings in the terminal are very limited by terminal manufacturers.

It shall be noted that it is the responsibility of LBO providers to offer mechanisms for the subscriber to reconfigure their terminal - according to the Guideline 21.

12. Restoration of APNs by local data access providers (Guideline 21)

Q12: Do you consider that ARPs providing local data roaming services are to take any other responsibilities regarding the restoration of APNs? If so, please provide justification based on the regulation.

A12:

The possibilities of local data roaming service provider to influence the capabilities of customer equipment, incl. automatic restoration of internet access settings in the terminal are very limited by terminal manufacturers.

13. Local data access notification to donor roaming providers (Guideline 23)

Q13: Do you consider that it is necessary to use a real time interface between ARPs providing local data roaming services and donor roaming providers for switching off steering and selected barring?

A13:

Referring to the output of the stakeholder forum, there is no need for the interface between ARPs providing local data roaming services and donor roaming providers for switching off steering and selected barring at least at the first phase.

Such an interface will be an additional burden on the ARPs providing local data roaming (real time interface implementation costs, administrative costs to establish and maintain the interface with every donor operator) and donor roaming providers (significant investments in the steering platforms, real time interface implementation costs, administrative costs to establish and maintain the interface with every ARPs providing local data roaming). The content of the data transferred will be untruthful (non reliable information when customer contracts finishes) with the aim to gain non-internet traffic from donor operators and increase costs to donor operators, which avoided providing roaming traffic to particular operators.

Even if it would be selected as needed, the real time nature of the interface is not reasonable – near real time interface would be sufficient.

QUESTIONS ON SINGLE IMSI

14. Termination of Single-IMSI roaming (Guideline 25)

Q14: Do you agree with the fallback model stated in the guideline? Are there any additional issues BEREC should take into account with regard to the process described in the Guideline?

A14: The fallback model shall allow the application of Eurotariff or the “previous tariff plan”, but not the “previous contract tariff”, as applicable tariff plans are agreed with customer, but not tariffs, which are decreased over the time.

15. Reasonable requests (Guideline 27)

Q15: Is there any reason justifying a different approach for the separate sale of roaming services than for wholesale roaming access pursuant to Article 3? If so, please provide a justification.

A15: In addition to the same approach of reasonability of wholesale roaming access pursuant to Article 3, it shall be noted that the assessing the compatibility of ARP with the services offered by the access provider is the first criteria for accepting the reasonable request for decoupling of roaming service. ARP shall support the interfaces and protocols offered by the domestic provider and not vice versa.

16. Refusal of requests of decoupling (Guideline 28)

Q16: Do you agree with BEREC's general approach to refusal of requests? Do you have any specific suggestions on how the guidance in this area could be strengthened so as to deter refusals on spurious grounds while not constraining the right of ARPs on the basis of careful objective justification?

A16: We agree with BEREC's general approach to refusal of requests.

17. Prioritisation of requests (Guideline 29)

Q17: Do you agree with BEREC's approach to prioritisation of requests?

A17: We agree with BEREC's approach to prioritisation of requests.

18. Timing issues for requests after 1 July 2014 (Guideline 30)

Q18: Do you consider that the time limits are reasonable? If not, please explain and justify why?

A18: We consider that the time limits are reasonable if the access shall be provided by MNOs or full MVNOs. If the access shall be provided by Service Providers, then additional time period maybe required of up to 2 months, as three parties are involved – ARP, DSP and the Service Provider

19. Bundling of services (Guideline 31)

Q19: Do you agree with BEREC's approach on wholesale bundled offers?

A19: We agree with BEREC's approach on wholesale bundled offers.

20. MVNOs and Resellers being domestic providers (Guideline 32)

Q20: Do you agree with the obligation for domestic providers and host operators stated in the guidelines? If not, please explain.

A20: We agree with the obligation for domestic providers and host operators stated in the guidelines.

It shall also be stated that the decoupling agreement shall be signed directly with the undertaking offering retail mobile services in the customer's home country, except if the hosting network act on behalf of an the undertaking.

21. Required information (Guidelines 33, 34, 35)

Q21: Do you agree with the suggested level of information required from access seekers? Is there any reason why this level of information may either not be necessary, or may be inadequate?

A21: We agree with the suggested level of information required from access seekers.

22. Customer profile (Guideline 36)

Q22: Do you agree with BEREC's approach regarding the customer profile? If not, please provide a justification based on the regulation. If you have any proposal or comments on issues to consider in the guidelines about interfaces between ARPs and domestic providers for prepaid or postpaid services, please include this in your response.

A22: We do not agree with BEREC's approach regarding the customer profile. According to the output of the stakeholder forum, this approach shall be applicable only if domestic provider has real time controlled (prepaid) roaming customers. If domestic provider does not have the prepaid roaming customers, ARP will only be able to offer postpaid services.

Referring to the article 5.1 of the roaming Regulation „Domestic providers shall meet all reasonable requests for access to facilities and related support services relevant for the separate sale of regulated retail roaming services“. Referring to the article 5.3.d of the roaming Regulation, the technical solution to implement the separate sale of regulated retail roaming services shall meet the criteria of cost effectiveness “taking into account the division of costs between domestic providers and alternative roaming providers”.

In order to provide prepaid services for voice calls and SMS, domestic provider shall implement services that domestic providers do not provide for their own customers - the technical facilities of real time control of voice calls and SMS. As the implementation of these real time facilities require deployment of an undue level of resources (very high implementation costs and need to establish real time control (CAMEL) roaming agreements with visited networks), requests to provide prepaid services may be treated as non reasonable. If ARP would like to offer separate sale of regulated retail roaming services for domestic providers customers, ARP will be able to offer postpaid services.

In addition it shall be noted that the aim of the requirement of Article 5.3.b of Regulation of the ability to serve “all categories of consumer demand on competitive terms” is for data services only - recital 13 of the Implementation Regulation introduce LBO requirements „On

the other hand, the single IMSI technical modality does not make it possible to serve all categories of consumer demand on competitive terms, such as the intensive usage of data services”.

23. Functionalities to be provided free of charge by domestic providers (Guideline 37)

Q23: Should BEREC consider additional functionalities to be provided for free? If yes, please explain?

A23:

The current list of functionalities listed by BEREC is not complete.

Domestic service providers shall provide all the interfaces to allow ARPs to provide separate retail roaming services to their customers according to the output of the stakeholder forum.

We agree that domestic providers shall not provide to ARP services that domestic providers do not provide for their own customers

24. Termination of incoming and outgoing SMS (Guideline 39)

Q24: Do you agree with BEREC’s approach for termination of incoming calls and outgoing SMS? (If not, please explain and justify)

A24: We agree with BEREC’s approach for termination of incoming calls and outgoing SMS?

25. Extra-EEA services to customers roaming in the EEA and special rate services (Guideline 41, 42)

Q25: Do you agree with BEREC’s approach on roaming outside the EEA and on special rate services? (If not, please explain and justify)

A25: We do not agree to BEREC’s approach on roaming outside the EEA and on special rate services.

Roaming outside the EEA is out of scope of the Regulation and may be provided by ARP as per commercial decision of domestic provider. Prices for such services shall be under commercial agreement.

Provisioning of special rate services by ARP is out of scope of the Regulation, but maybe provided as a bundle to regulated voice services according to the decision of domestic provider, according to the output of the stakeholder forum. Prices for such services shall be under commercial agreement, as wholesale caps mentioned in the Guideline 42 does not exist.

26. Fair and reasonable prices and non discrimination (Guidelines 44, 45)

Q27. Should BEREC consider additional rules beyond normal commercial practices for the separate sale of roaming services or do you consider any reason to apply different rules for decoupling functionalities than for wholesale roaming access pursuant to Article 3 of the Regulation?

A27. The same rules shall apply for the separate sale of roaming services as for wholesale roaming access pursuant to Article 3 of the Regulation.

27. Loss of service when switching domestic provider (Guideline 46)

Q26. Is there any additional issue to be considered about switching of domestic provider by customers?

A26. There are no additional issues to be considered about switching of domestic provider by customers.

28. Further questions

Q28. Do you consider that the Guidelines should cover additional issues or should any of the draft guidelines be further developed?

A28. There is currently no need to cover additional issues in the Guidelines.

Q29. Do you have any other comments on the draft Guidelines?

A29:

Guideline 13. Rights to publicise and sell services by the ARP providing local data roaming services:

We agree with BEREC's general approach to ARPs providing local data services being entitled to carry out marketing activities in full accordance with Article 13 of the Directive on privacy and electronic communications.

However, it should be made clear in the guidelines that pursuant to Article 13 of the Privacy Directive, ARP providing local data services is not entitled to send direct marketing messages via, including but not limited to, SMS, e-mail and landing pages to the customers of current roaming provider unless the ARP providing local data services has received a prior consent from such customers. Customers shall not be spammed or confused, as they are already receiving a message of tariff information from the current roaming provider due to obligations of Article 15 of the Roaming Regulation

Furthermore, the footnote 3 of Guideline 13 should be removed as the same principles apply also to landing pages. ARP may not interrupt current data connection with landing pages and it may not present landing pages to subscribers that are not its customers or that have not given ARP their consent for marketing

Guideline 38 – Maximum wholesale charges

The guideline shall apply not only to Domestic providers operating a terrestrial public mobile communication network, but also to MVNOs.

Guidelines 43. Functionalities to be provided by domestic providers on request:

In case of ARP request, Domestic providers shall meet only reasonable requests and provide requested services for ARP as per commercial agreement, but the time limits of decoupling access shall not apply.

Guideline 47. Service Level Agreements (SLAs):

Service Level Guarantees and Compensation for failure to meet agreed minimum service levels is not a normal commercial practice and this requirement shall be deleted.

Normally the service levels provided shall be similar to those experienced by the MNO's own retail customers without compensations.

draft for public consultation