

**BEREC GUIDELINES ON THE SEPARATE SALE OF
REGULATED RETAIL ROAMING SERVICES AND
THE IMPLEMENTATION OF SEPARATE SALE OF
REGULATED RETAIL ROAMING SERVICES UNDER
ARTICLE 4 & 5 OF THE ROAMING REGULATION –
A CONSULTATION**

May, 2013

1. INTRODUCTION

The new Roaming Regulation includes a provision to allow retail customers to request roaming services from a separate roaming provider than the one providing their domestic mobile services (decoupling). In particular, Article 4 of the new Roaming Regulation requires domestic providers (DP) to enable their customers to access regulated voice, SMS and data roaming services provided as a bundle from any alternative roaming provider (ARP). Furthermore, domestic and alternative roaming providers must allow their retail customers to access local data roaming services provided directly on a visited network.

Detailed provisions on the information obligations and on the technical solution for the implementation of the separate sale of regulated retail roaming services pursuant to Article 4(4) of the Roaming Regulation (EU) No 531/2012 of 13 June 2012 are set out in the Implementing Act No 1203/2012 of 14 December 2012. This is designed to ensure a consistent and simultaneous implementation of the separate sale of roaming services.

The Implementing Act sets out the Single-IMSI solution and the provision of local data roaming services by a visited network as the two technical modalities to allow the separate sale of regulated retail roaming services. In the Single-IMSI solution the regulated retail voice, SMS and data roaming services are provided by an alternative roaming provider to the retail customer. Hence, the domestic mobile operator technically supplies the wholesale roaming services to the ARP.

For the provision of retail data roaming services on a visited network the basic requirements are the implementation and the activation of the processing of data roaming traffic in the visited network and the requirement not to prevent the selection by the customer of a visited network.

This document discusses the guidance, which BEREC is required under the Regulation to publish, relating to the operation of Articles 4 and 5 of the Roaming Regulation in practice. The accompanying draft Guidelines describe the main obligations for domestic and alternative roaming providers concerning the provision of the separate sale of regulated retail roaming services and the corresponding wholesale roaming services to allow the provision of retail roaming services. The guidance is not legally binding. Nevertheless, NRAs are required to take utmost account of it in resolving any disputes or taking any enforcement action concerning Articles 4 and 5 of the Regulation. In particular, when NRAs make a decision, which departs from this guidance, they will be expected to state objective reasons for the departure.

The Guidelines apply to “regulated” roaming services as defined in the Regulation, except where the Regulation explicitly applies to other services.

BEREC included some guidelines in the draft that share the same underlying principle with the BEREC Guidelines on Article 3 on wholesale roaming access. Nevertheless BEREC seeks stakeholders' views on whether the same considerations are applicable also for these Guidelines.

BEREC expects that these Guidelines will be a living document and will be updated from time to time in light of experience.

GENERAL QUESTIONS

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

BEREC has discussed the timing of the provision of the decoupling solutions and whether there is any scope for implementing the decoupling solutions in a different timeframe than 1 July 2014. Pursuant to Article 4 of the Regulation the separate sale of roaming services (including access to local data roaming services) have to be provisioned from 1 July 2014. BEREC is aware of the complexity of implementing the decoupling solutions and understands that the burden may be high particularly when operators face no wholesale access requests. As the Regulation does not set out a time frame for implementation, BEREC considers a period of 4 months after receipt of an access request to be reasonable. This is in line with the time frame set out for processing wholesale access requests pursuant to Article 3(5) of the Regulation.

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.

We believe 4 months is sufficient time. However, we believe this period should be reduced over time as domestic providers and ARPs become more experienced in decoupling. Hence we propose the period be reduced to 1 or 2 months for summer 2015, i.e. any ARP request made on or after 1st April 2015 should be implemented in no more than 1 or 2 months.

2. Standardization and documentation (Guideline 3)

BEREC considers that interfaces necessary for decoupling should be based on common standards developed and used by generally recognized standardization organizations as well as on the output of the stakeholder forum, where the standardization organizations also take part. Any relevant reference documents developed by market participants may be applied as long as they are free of charge for any potential access seeker and there are no limitations in their use. Such documents shall be in line with the provisions set out in the Regulation and the Implementing Act.

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

It is critically important that MNOs make clear in initial communications with prospective ARPs what versions of the various signalling capabilities they support in order to allow sensible decisions on partner networks to be made.

3. Authorization regime (Guideline 4)

BEREC believes the authorization regime for ARPs to be the same as the one for any other ECS provider and no "EU licence is required. ARPs should follow any notification procedures defined by the Member States where the service is contracted.

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

We believe ARPs should be subject to a lighter authorisation regime than MVNOs, particularly those ARPs who provide only local data roaming services, as there are typically fewer legal obligations on data-only providers, e.g. calls to emergency services or universal service obligations. For example in France, we believe an ARP providing local data roaming services (henceforth referred to as 'LBO provider' in our responses) should not be required to request authorisation from ARCEP.

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

With regard to fraud management, BEREC is of the opinion that the DP and the ARP are responsible for taking any necessary measure to avoid fraud and the misuse of roaming services. Those measures should comply with legal obligations or should be in accordance with normal commercial practice.

On M2M services, BEREC considers that the regulation on separate sale of services applies also for M2M services based on a public communication network as defined in Article 2(d) of the Framework Directive (Directive EU 2002/21).

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

Some national requirements around intercept in a national state may need regulation to ensure that the MNO supports the implementation of a solution that meets the requirements. Both for voice and data.

QUESTIONS ON LOCAL DATA ROAMING SERVICES

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

Customers contracting local data roaming services in the visited network are to be automatically provided with their default roaming services when they terminate the use of local data roaming upon return to the home country or travelling to another country. This means that ARPs should not hinder roaming customers from returning to the roaming default mode so that customers can switch to traditional roaming any time. BEREC advises that ARPs provide their customers with all necessary information such as prices, contact details in case of problems, standard terms and conditions, as well as services that may not be available when using local data roaming.

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?

Yes, we believe more clarification is required. We believe customers' rights should be upheld in all respects, including their right to remain contracted with their chosen LBO provider. This means that each time the customer returns to that country, they should default to their chosen LBO provider.

We have clear research evidence that this is what customers expect and hence this will make LBO more simple and more popular. In particular, frequent travellers to a particular country (e.g. cross-border commuters) will not subscribe to LBO unless they default to their chosen local data roaming service provider each time they cross the border.

In addition, the business case for LBO is negative if the LBO provider has to acquire or win-back their customer each and every time they travel to a particular country. This will mean the only LBO entrants will be those that are able to off-set LBO losses using other profit streams.

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

The Regulation and the Implementing Act do not include an obligation for visited networks to supply the necessary wholesale services to ARPs to provide local data roaming services. On

the other hand there is no legal obstacle which would prohibit visited networks from settling wholesale agreements with MVNO and resellers. BEREC expects stakeholders do so.

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.

We believe it is against the intention/spirit of the regulation to assume that the rights of MVNOs and resellers to wholesale roaming access (article 3) are not carried forward in their entirety into the separation of roaming (article 4). The wording of the legislation (only using the term 'domestic provider' and not including 'visited network' also in article 4) creates a discontinuity and, hence reduces the opportunity for competition.

Notwithstanding the restrictive wording of the legislation, we would argue that visited networks' refusal to grant LBO access to MVNOs would be constructive refusal to provide 'wholesale resale access,' hence they would be in breach of article 3, even though they would not be in breach of article 4?

We believe NRAs should recognize this when implementing their local legislation, hence giving MVNOs and resellers explicit rights to provide LBO services.

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

The Regulation does not cover the provision of local data roaming services in countries outside the EEA. However, BEREC considers that domestic providers can freely settle commercial agreements to allow their customers to use local data roaming services outside the EEA and also considers that there is nothing in the Regulation preventing voluntary extension outside the EEA.

The Regulation also does not include any provision prohibiting non-EEA customers from using the universal APN in EEA countries.

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)

We believe that encouragement of the MNOs to extend the availability of roaming services wherever possible is the best that can be hoped for HOWEVER the regulation should make absolutely clear that major MNO groups MUST not be able to recover revenue by increasing roaming charges outside of the EEA in response to this regulation.

8. Universal APN in HLR (Guideline 14)

Local data roaming requires the use of the universal APN. All operators that have a HLR must add the universal APN into their HLR in order to allow customers to use it by default. The universal APN cannot be used by the donor roaming provider to supply traditional roaming data services while the customer is abroad. The Universal APN is EUInternet.

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.

No. The Universal APN seems a sensible approach for the delivery of a consistent service without requiring the customer to make changes within their device.

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

The Regulation provides that customers are free to sign up to local data roaming services with any ARP of their choice. Therefore the host network is not allowed to bar, block or disrupt ARPs that provide such services to roaming customers. This also applies to any potential customer that may want to use local data roaming services.

However there may be exceptional cases when barring can be justified, such as when the ARP does not meet the necessary technical conditions or fails to pay for contracted services or other objectively justified reasons.

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.

No, we don't believe the guidelines should consider any additional exception. In fact, we believe domestic providers should agree with BEREC and then publish a detailed list of exceptions by a reasonable date, e.g. 1st July 2013.

10. Traffic steering (Guideline 16)

Retail customers should not face difficulties when selecting a visited network for local data roaming services. As a result traffic steering and other mechanism applied in the home network or in the terminal shall be configured to allow selection of a visited network. In order to make effective use of local data roaming services, customers should not be disconnected from their chosen network due to traffic steering or any other mechanism. Customers should also be informed by the domestic provider about how to avoid traffic steering upon request.

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

We believe donor roaming providers should suspend both SIM-based steering and network-based steering for LBO customers. Suspending just one form of steering and not the other will create customer experience issues and limit the appeal of LBO.

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

Restricted usage of terminal equipment could hamper the take-up of local data roaming services. For that reason domestic providers or ARP shall not apply any restrictions or limitations in the terminal equipment and SIM.

Donor roaming providers can reconfigure the customer's handset once it is connected to the network of the donor roaming provider in the home country.

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?

More detailed guidelines are required to define precisely how the donor roaming provider is entitled to reconfigure the device once it is connected to the network of the donor roaming provider in the home country e.g. if the device is capable of storing multiple APN profiles, then the LBO provider's APN profile should not be deleted from the handset, edited or otherwise altered in any way.

BEREC should also provide guidance to device manufacturers about their role in this process, e.g. Apple have an adverse affect on users experience due to the way itunes checks and manages the stored APN in an iOS device. The user my sign up for a service, make the necessary change to an APN and then back their phone up before travelling only to have itunes overwrite the changed APN back to the default for the carrier.

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

BEREC believes that customers should have easy access to local data roaming services, i.e. to contract and select a visited network as well as to easily return to their roaming default mode. This can only be achieved when APN restoration facilities are included in the applications that are provided to those customers using local data roaming services, and customers are provided with the necessary information for manual restoration. It is clear that automatic restoration procedures shall not conflict with the manual configuration chosen by the customer.

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.

No.

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

When customers make use of or terminate local data roaming services in a visited network, the donor roaming provider can request to receive a real-time notification. This notification can be used to perform selective barring of the local data access provider for users of traditional roaming not willing to use local data roaming services to suspend steering or to update the SIM for users who want to use local data roaming services.

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?

We believe donor roaming providers should not perform selective barring but simply suspend traffic steering for LBO customers, as this will be a better customer experience. Hence we support real-time notifications if they are to be used for the suspension of steering but not if they are to be used for selective barring.

QUESTIONS ON SINGLE IMSI

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

BEREC discussed various options for such cases when customers terminate their contract with an ARP. Similar to the terms and conditions set out in most of the retail contracts in other markets, customers shall automatically fall back either to the tariffs agreed previously with their domestic provider before switching to the ARP or to the Eurotariff. BEREC prefers not to make a choice for the customer with regard to the specific fall-back-tariff, as either the Eurotariff or an alternative roaming tariff of the domestic provider could be the best possible option. It is clear that the ARP has to inform the domestic provider about the termination of the contract.

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?

The proposed fallback model is fine, provided that the ARP is under no obligation to inform the customer of the different fallback tariffs available from the domestic provider nor to help the customer select their preferred fallback tariff from the domestic provider

15. Reasonable requests (Guideline 27)

According to Article 5(1) of the Regulation domestic providers have to meet all reasonable requests with regard to access to decoupling functionalities where the purpose is to offer separate regulated retail roaming services. The same principle is set out in Article 3 of the Regulation, where MNOs have to meet reasonable access requests with regard to wholesale roaming access. In its Guidelines on Article 3 BEREC has set out a general rule on how reasonable requests are to be interpreted. It states that any request which does not require deployment of an undue level of resources would be considered as reasonable. In order to be consistent, it makes sense for this principle to be applicable also when processing access requests in connection with decoupling.

It follows that requests for decoupling which are not intended to providing regulated roaming services are not covered by Article 4 and 5 of the Regulation, the Implementing Act or by these Guidelines.

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.

A different approach will be required if the switching and subscription process is not consistent across different domestic providers, hence requiring the ARP or ARP enabler to develop different APIs for most if not all the domestic providers it contracts with.

If BEREC would like to use the same approach as article 3, the corollary should also apply, i.e. if an ARP were required to deploy an undue level of resources in order to contract with a particular domestic provider, then that provider should make the necessary changes to be more consistent with other domestic providers or make a significant contribution to the ARP's additional integration costs.

16. Refusal of requests of decoupling (Guideline 28)

As set out in its Guidelines on Article 3, BEREC is concerned about the potential for reasonable requests to be refused on spurious grounds such as delaying market entry. Similar to refusing reasonable wholesale access requests, refusal of requests for decoupling could obstruct competition in the roaming market and counter the idea of establishing more competition. For the same reasons set out in its Article 3 Guidelines, this guideline is attempting to minimise the scope for the use of tactics to delay or impede market entry. BEREC would welcome advice on how this risk could be reduced further.

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?

We believe this is acceptable only if the domestic providers agree and publish a detailed list of objective criteria for refusal by 1st July 2013, thus giving ARPs sufficient time to make the proper preparations. Traffic volumes and ROI should in any event never be a justification for refusal.

17. Prioritisation of requests (Guideline 29)

BEREC considers that prioritisation of requests may be necessary. Hence requests should generally be processed applying the non-discriminatory principle. BEREC would like to point out that the commercial interests of the domestic provider do not provide any grounds for prioritisation.

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

This is acceptable if the maximum time to implement the lowest priority requests is not longer than 3 months.

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

Requests for decoupling and local data services can be received after 1 July 2014, because there may be several reasons for delaying the offer of separate roaming services. BEREC considers that access to decoupling and local data roaming should be processed within a reasonable period as set out in Article 3 of the Regulation. This principle is also to be applied to requests that are filed after 1 July 2014. It follows that the ARP is to be provided with a draft contract in a maximum period of one month after filing the request and access is to be granted within a reasonable period not exceeding three months from the conclusion of the contract.

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

We believe Guideline 30 is potentially mis-leading i.e. some stakeholders may believe this means applications for decoupling can only be accepted on or after 1st July 2014.

Similar to LBO, we believe the timescales should be shorter in summer 2015 as domestic providers and ARPs become more experienced in decoupling, i.e. for applications received on or after 1st April 2015, access should be granted in no more than 1 or 2 months.

19. Bundling of services (Guideline 31)

According to Article 4(1) of the Regulation the ARP must be able to allow its retail customers to subscribe to regulated voice, SMS and data roaming services as a bundle. As a result, the domestic provider is required to provide the corresponding regulated wholesale roaming services as a bundle to ARPs.

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

Yes

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

BEREC understands that stakeholders discussed the question whether the obligation for decoupling also includes MVNOs and resellers. Article 4(1) of the Regulation sets out that domestic providers shall enable access to decoupling. In this regard, BEREC considers that domestic providers can be MNOs as well as MVNOs, resellers or any other undertaking offering retail mobile services in the customer's home country.

For decoupling to work it is clear that the necessary decoupling functionalities are to be provided. In such cases where the domestic provider is technically not able to meet the decoupling request, the necessary functionalities are to be supplied by the hosting network, which is capable of doing so. Naturally this is the provider located further upstream in the value chain.

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

Yes, we support these obligations assuming MVNOs and resellers are legally entitled to 'eat their own lunch' i.e. to switch roaming customers to ARPs which are part of the same company or group of companies.

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

Domestic providers are entitled to request necessary information for decoupling requests by ARPs. This is a similar principle that BEREC considers relevant for wholesale roaming access requests and this is based on the notion of the information required in normal commercial agreements. The domestic provider can ask for relevant information prior to signing a decoupling agreement with ARPs as well as on an ongoing basis. Reasonably, commercially sensitive information should not fall under the information required from ARPs. In turn the domestic provider has to make sure that ARPs receive necessary information on time to allow them to make adequate access requests.

Information that is required on an ongoing basis can be depicted in a reasonable procedure to be developed by the domestic provider. BEREC advises that the degree of foresight or precision should not be excessive so as to delay market entry by ARPs.

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?

Currently, the level of information requested of potential MVNOs by MNOs can be onerous and designed to restrict MVNO entry. Hence, we request that domestic providers agree and publish by 1st July 2013 a detailed list of the information they will require from ARPs.

22. Customer profile (Guideline 36)

According to the Regulation retail customers should have access to regulated voice, SMS and data roaming services. As this entails ARPs offering pre-pay or post-pay roaming services to their customers, this means that no restriction on the billing profile of the customer that uses an ARP is allowed.

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.

We believe the 'hybrid' model, i.e. the ability to offer pre-paid roaming to post-paid domestic customers is critical to the success of ARPs (we have strong research evidence that customers value the control they get with pre-paid roaming) hence domestic providers must allow ARPs to interconnect with the domestic provider's real-time charging system, even if the customer is a post-paid customer of domestic services.

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

BEREC understands that domestic providers must supply a minimum set of functionalities for decoupling for free in order to allow ARPs to provide separate retail roaming services to their customers. On the other hand all services that domestic providers do not provide for their own customers do not have to be offered to ARPs. For instance does the domestic provider not have to support pre-pay functionalities if it does not have a pre-pay platform.

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

There should be no restrictions applied by the domestic provider to any service that sits on the voice, data or SMS service bearers when the customer is roaming e.g. restriction of VOIP traffic

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

The wholesale roaming charge does not include costs for incoming voice calls or termination of outgoing roaming SMS and therefore these services cannot be considered to be part of a wholesale service. As these services are nevertheless to be offered to ARPs, BEREC considers that fair and reasonable prices may be charged by domestic providers for them.

BEREC follows the same approach here as for requests for wholesale roaming access pursuant to Article 3.

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

Yes. Given the extensive network of SMS delivery capabilities that exist this is reasonable as long as any additional charges are reasonable and not viewed as a revenue recovery exercise.

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

BEREC considers that access to decoupled services must include extra-EEA roaming for mobile originated calls from EEA to outside EEA and mobile terminated calls from outside EEA to the EEA when requested by the ARP. The domestic provider shall apply fair and reasonable charges for these services. BEREC believes that customers would find it inconvenient to have separate suppliers for intra-EEA and extra-EEA roaming while roaming in the EEA.

As for special rate services, BEREC notes that only the wholesale part is subject to the wholesale caps set out in the Regulation. Where ARPs request access to such services, domestic providers are to apply the prices that shall not exceed the wholesale caps.

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

We do not agree with BEREC's approach to roaming outside the EEA. It is much more common for customers to use roaming services whilst physically located outside the EEA than it is for customers to make mobile originated calls from EEA to outside EEA or receive mobile terminated calls from outside EEA to the EEA. The current approach will severely limit the appeal of ARPs, particularly using Single IMSI, and hence severely limit the success of the regulation.

However, the proposed 'half-way house' approach is better than blocking all extra-EEA services.

For Special rate services, a number of countries may provide access to key services such as customer services behind such ranges and it is important that access to these is not restricted unduly. As such the approach of using wholesale Caps is reasonable.

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

BEREC sets out general principles which it considers to be sufficient to allow parties negotiating in good faith to reach reasonable agreements, as laying down detailed guidance covering the meaning of fair and reasonable charges risks being over-prescriptive. This follows the principle laid down in BEREC's Guidelines on Article 3.

The non discrimination principle applies to decoupled services as well. It follows that all terms and conditions must be equivalent to those that the domestic provider grants itself. In this regard Guideline 47 makes reference to certain services.

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?

Large operator groups may use internal transfer pricing techniques to inflate artificially the costs of roaming. This may inflate the 'market rates' of some subsidiaries and hence would need to be compared to market rates in other countries and to true costs.

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

BEREC cannot expect that customers maintain all contracted services when they switch the domestic provider. In such cases customers are to be informed by the ARP that they may lose their alternative roaming service.

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

The ARP should be notified in advance by the new and/or old domestic provider in order to give the ARP the opportunity to transition the customer.

There may be additional complexities in some countries where mergers of MNOs have taken place but the planned integration of the core networks has not completed i.e. EE in the UK where there are effectively 3 core networks allowing customers to move between them as required by the service. In these complex network environments it may just be necessary for the MNO to provide additional information or take a number of additional steps.

28. Further questions

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

No

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

No