Europe

GSMA Europe Response to

The Public Consultation on the
Draft ERG Roaming Guidelines

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Introduction

GSMA Europe welcomes this opportunity to respond to the public consultation on the draft ERG "Roaming Guidelines" and sees this as part of an important ongoing dialogue with regulators on the implementation of the Regulation.

While the debate has moved on from the actual content of the Regulation, operators are now facing the challenge of practically implementing the measures agreed – a challenge whose significance is recognised by the ERG. Indeed some apparently simple requirements can prove extremely complex in practice and risk degrading customer experience significantly.

The comments below represent our initial thoughts on implementation aspects that should be incorporated in this first version of the guidelines. Overall the document is a helpful contribution to enable operators to have increased confidence in complying with the new rules. We would like to focus our contribution on the points set out below.

Key Points

1. It is important to continue the **dialogue between NRAs and mobile operators during the implementation phase** to address the complexity and practical challenges of putting the Regulation into effect.

2. The main problems that operators are experiencing are concerned with the **implementation and development of IT systems in limited timescales**. In developing plans to comply with the Regulation, operators are working to avoid discarding or duplicating existing developments already evolving in domestic markets.

3. The issue of highest practical concern to operators is the **application of the limits to pre-pay customers**. In paragraph 22 the ERG proposes that the financial or volume limits apply to pre-pay in exactly the same way as they are to be applied to the post-pay customers. The intention expressed in article 6a of the Regulation is to protect the customer from Bill Shock by setting a limit to expenditure. Pre-pay services provide a "flexible opt out" enabling customers to select the limit that they personally want from the top-ups available. These services meet the objectives of Article 6a by guaranteeing customers will not exceed their chosen limit and by providing an indication of the outstanding balance. Implementing an imposed credit limit on pre-pay will in effect reduce the inherent control and self-management that customers actively obtain when they opt for a pre-pay account. Moreover, the Regulation refers to the "monthly billing period" which would suggest that the regulation is targeting post-pay only. To implement such a system for pre-pay as well would involve significant complexity and further timescale challenges because of the need to develop separate IT systems for relatively small numbers of customers – in some countries less

than 1% of data roaming traffic is pre-pay usage. It would therefore be preferable to remove the explicit inclusion of pre-pay customers in this area.

4. Another area of concern to operators is the **requirement to send data transparency information when the customer crosses the border and initiates a data roaming session.** This would create a poor customer experience, as the value of such a second message is questionable, as explained in paragraph 12 of the guidelines, and the message bears the risk of being treated as spam by the customer. In paragraph 11, the guidelines recommend one message be sent when both conditions are met. Another key consideration is that notifying customers when they begin a data session is extremely difficult and the notification will only arrive after the session has begun and the customer is already being charged. This is something that the ERG also seems to recognise in paragraphs 12 and 13, where it has indicated that an operator should supply data pricing on arrival in the EU country and each time a border is crossed - this is something operators already do. Therefore, GSMA Europe does not see the merits of an additional message. An option that would avoid an overload of information sent to the customer is to inform the customer before they initiate a payable activity of any sort. That requirement could be satisfied by the message they receive on crossing the border and connecting to the foreign network. It would therefore be preferable to leave the guidelines open to the some interpretation – i.e. when to send the tariff information and how often. Following on from this, it would also be preferable to remove any reference to MMS as a recommended solution, and leave the method of communication open to the operator.

5. Paragraph 8 refers to customers being able to **opt-out of the Voice/SMS transparency messages separately from the data transparency messages**. It should be noted that this is not technically possible if one message containing all tariff information is sent when the border is crossed (in order to limit the number of messages the customer receives at this point, and as per recommendation in paragraph 13).

6. A further area of concern is **customer experience with regard to the cut off notification measures**. The notification when the customer reaches 80% of their limit is for technical reasons not always reliable, as there might be unavoidable delays in its delivery. In this case, upon reception of the notification, the customer might have already reached the 100% limit and might have already been disconnected, without having had the possibility to express his consent to continue the data session. It should be also noted that it is technically not feasible for the operator to freeze a data session when the financial/volume limit is reached, in order to allow the customer to retrieve the data at a later stage. The consequence is that when the 100% limit is reached and the data session is interrupted, the customer will lose all data in the process of being downloaded/uploaded, which of course may include business transactions of economic relevance. This is a major concern which will result in a seriously degraded customer experience (disrupted sessions

potential additional costs from repeat transactions). Operators would therefore recommend that he intermediate alert is sent at "80% **or below"**, in order to maximise the opportunity for the customer to view the message and make an informed decision.

7. As highlighted in point 4, we would recommend that **reference to particular communication methods** (such as MMS or pop-ups) **should be removed**, as in many cases technical restrictions prevent them from being suitable options for the operator or customer. We would also suggest that **mention of specific proposals such as M2M in paragraph 63, and landing pages in paragraphs 7, 13** should be removed to allow the necessary flexibility in implementation.

8. We believe that is an important matter of principle that the guidelines do not go beyond the scope of the Roaming Regulation. In this respect we believe that the section **on wholesale voice and data roaming caps**, and in particular points 39 and 40, appear to define commercial relationships at a level of detail that is inappropriate and that goes further than the requirements set out in the Regulation. As the guidelines recognize, the Regulation gives visited operators the flexibility to comply with the cap as long as adjustments are made to ensure that the average price cap is met by the end of the relevant period.

We look forward to a continuing dialogue with regulators during the coming months over the practical implementation issues surrounding the Regulation and are grateful for this first contribution from the ERG. We see this as a parallel and complementary activity to the discussions that will take place with national regulators on these issues.