



Commission for
Communications Regulation

Implementation of EU Roaming Regulation by Irish Mobile Companies

9th wave of Irish and EU aggregated data

Information Notice

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Additional Information

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1 Introduction

Background

The first EC Regulation on international roaming services, Regulation (EC) No 717/2007, was published on 29 June 2007.¹ Regulation (EC) No 717/2007 capped charges for wholesale and retail voice calls (made and received) while roaming in the EU and also introduced pricing transparency measures to benefit consumers who roam in the EU. The Minister for Communications, Energy and Natural Resources made the Communications (Mobile Telephone Roaming) Regulations in December 2007, which designated the Commission for Communications Regulation (ComReg) as the National Regulatory Authority for the purpose of Regulation (EC) No 717/2007.²

In 2009 Regulation (EC) No 717/2007 was extended in duration and scope by Regulation (EC) No 544/2009³ after a review. In Ireland, the Communications (Mobile Telephone Roaming) Regulations 2007 were amended by the Communications (Mobile Telephone Roaming) (Amendment) Regulations 2010.⁴

Regulation (EC) No 544/2009 introduced measures including a continuation of a price glide path for wholesale and retail voice calls, the introduction of a wholesale and retail roaming price cap for SMS (text message), the introduction of a wholesale price cap for data roaming, further transparency measures to protect consumers from “bill shock” when data roaming and additional measures on the cost of voicemail messages.

Roaming Regulation (EC) 544/2009 expired on 30 June 2012. Following a review by the European Commission, the new Roaming Regulation, effective from 1 July 2012, was published on 30 of June 2012, (EC) No. 531 of 2012⁵. The main amendments to the Roaming Regulation III are outlined in section 4.2 of this document.

Publication of Data

The collection of data for monitoring purposes by National Regulatory Authorities (NRAs) is a requirement of the legislation. Individual NRAs are required “*to monitor developments in wholesale and retail charges*” for voice calls, SMS and data charges. The Body of European Regulators for Electronic Communications (BEREC)

¹ http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_171/l_17120070629en00320040.pdf

² <http://www.irishstatutebook.ie/2007/en/si/0792.html>

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:167:0012:0023:EN:PDF>

⁴ <http://www.irishstatutebook.ie/2010/en/si/0156.htm>

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:172:0010:0035:EN:PDF>

coordinates the regular data collection exercise from all NRAs. BEREC's 9th International data roaming report was published in May 2012 BOR (12) 24⁶.

This is the 9th information note published by ComReg in relation to roaming. It spans the data collection period 1 July 2011 to 31 December 2011. Data from previous periods are included for comparative purposes.

⁶ http://erg.eu.int/doc/2012/bor12_24.pdf

2 Key points

A comprehensive set of data was requested by all NRAs from national mobile operators. The following key points relate to the data collected for the periods 1 July 2011 to 31 December 2011.

Note: All prices displayed exclude VAT

Voice Calls

- Irish average retail roaming prices for calls made and received continue to indicate compliance with the regulatory price ceilings. (Figures 1 and 2).
- Ireland's average "Eurotariff" price for calls made and received and price for the rest of the world (calls made while outside the EU/EEA) have been lower than the EU/EEA average over most of the reported periods. (Figures 1, 2 and 3).
 - Ireland's average "Eurotariff" price for calls made was lower than the EU/EEA average in each quarterly period from Q1 2010 to Q4 2011, except Q2 2010.
 - Ireland's average "Eurotariff" price for calls received was lower than the EU/EEA average in each quarterly period from Q1 2010 to Q4 2011, except Q2 2010.
- Although it has declined, the surcharge for Ireland's billed prices for retail "Eurotariff" calls made is above the EU/EEA average. This decline is a reflection of the billing unitisation regulation for calls made.⁷(Figure 10).

Text Messages (SMS)

- The average retail price for sending a text message while roaming remained close to the regulated cap of 11 cents but slightly higher than the EU/EEA average (10 cents). (Figure 5).

⁷ While the Regulation allows for per second billing for calls received, an initial 30 seconds charge is incurred for calls made irrespective of whether the calls last less than 30 seconds. Per second billing applies thereafter. Data received from Irish operators indicates that a substantial number of calls made with their networks are less than 30 seconds which, compared to the EU/EEA average, results in a higher disparity between the prices that one would pay for actual calls compared to their billed calls.

Data

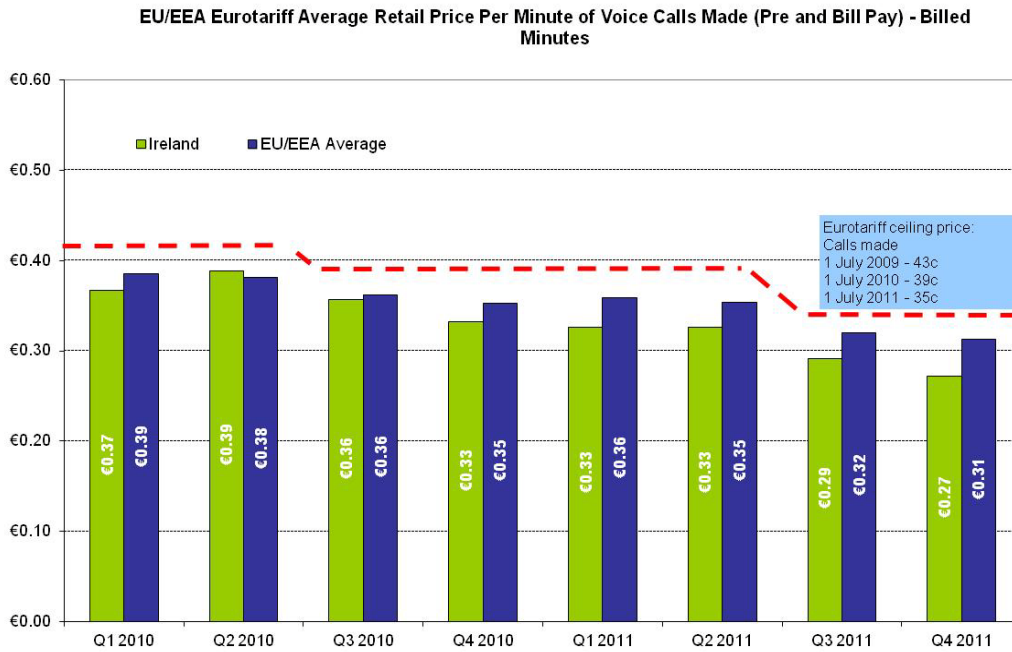
- In the periods of review in this report there was no price cap in place for retail data roaming. In Q4 2011, the non group⁸ retail pre paid data price (per MB) for Ireland (€2.20) was higher than the EU/EEA average (€1.59) but Ireland's non group retail post paid data price (€0.85) was lower than the EU/EEA average (€1.51). (Figure 6)
- Ireland's aggregate wholesale price per megabyte of data among non-group companies remains below the regulated price cap of 0.80 cent but is higher than the EU/EEA average. (Figure 9).
- Volumes of retail data roaming traffic have grown over the reported periods. Volumes for Ireland were over 3 times higher in Q4 2011 compared to Q4 2008. (Figure 12).

⁸ Note: Non-group traffic means traffic between entities that are not within the same group where such entities are fully-owned or majority-owned by the group.

3 Analysis of Irish data

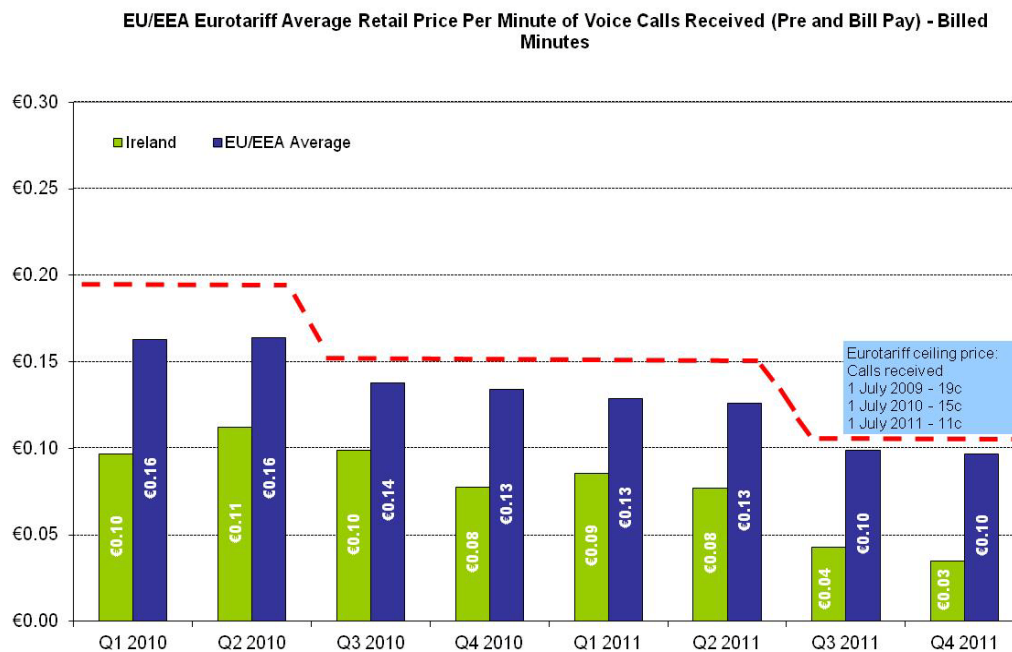
Note: All prices displayed exclude VAT

Figure 1



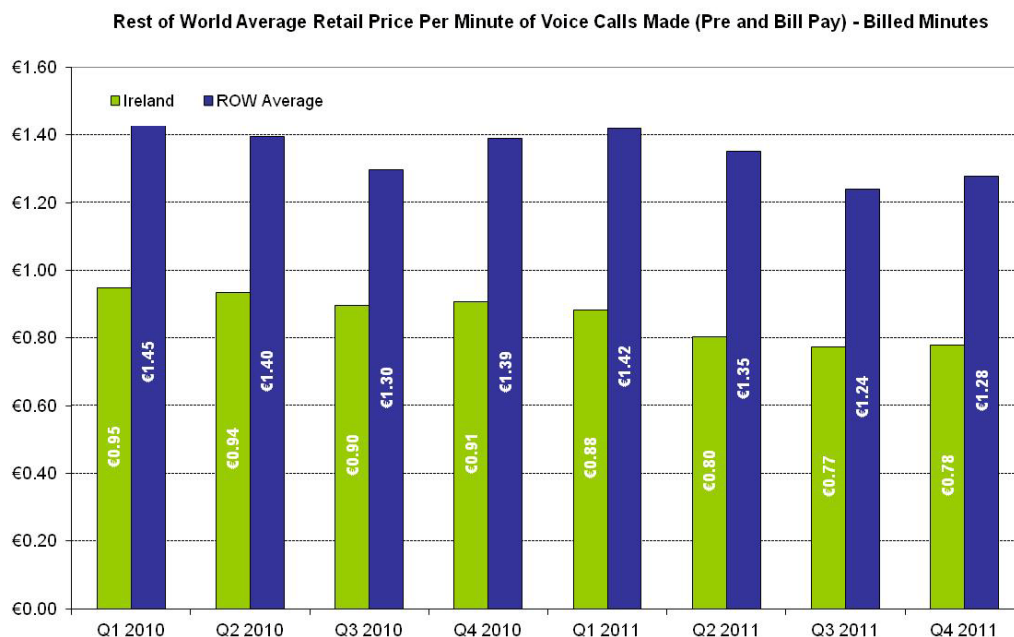
Ireland's "Eurotariff" for calls made have continued to remain below the regulated tariff. These prices were also marginally below the EU/EEA average for all periods except in Q2 2010.

Figure 2



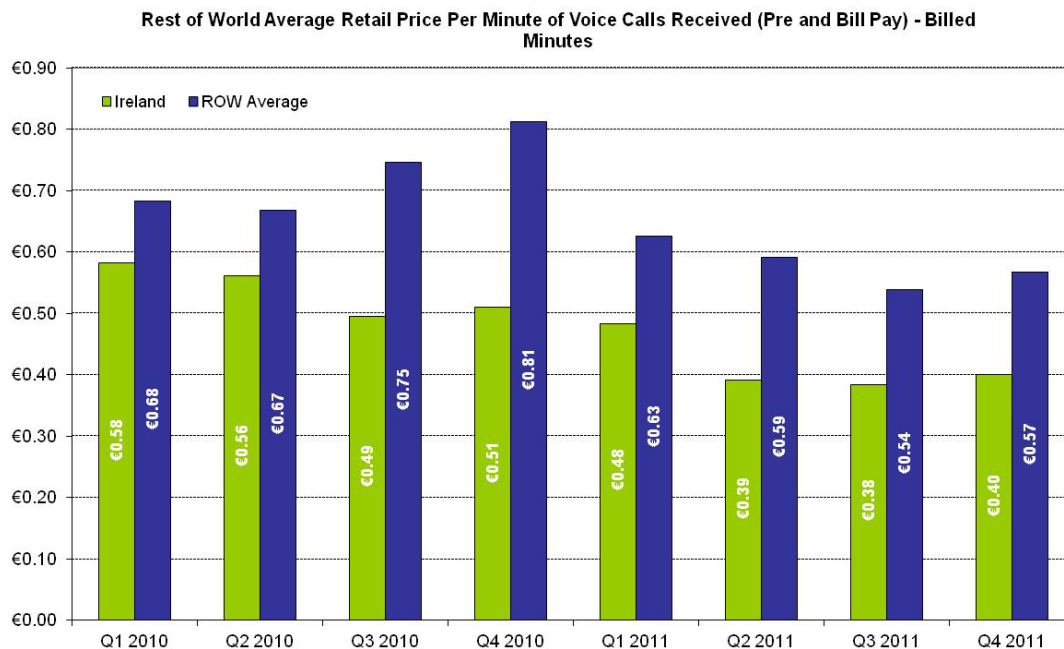
Ireland's "Eurotariff" for calls received are below the regulated tariff and the EU/EEA average price. This is, in part, a reflection of favourable price tariffs in some of these countries.

Figure 3



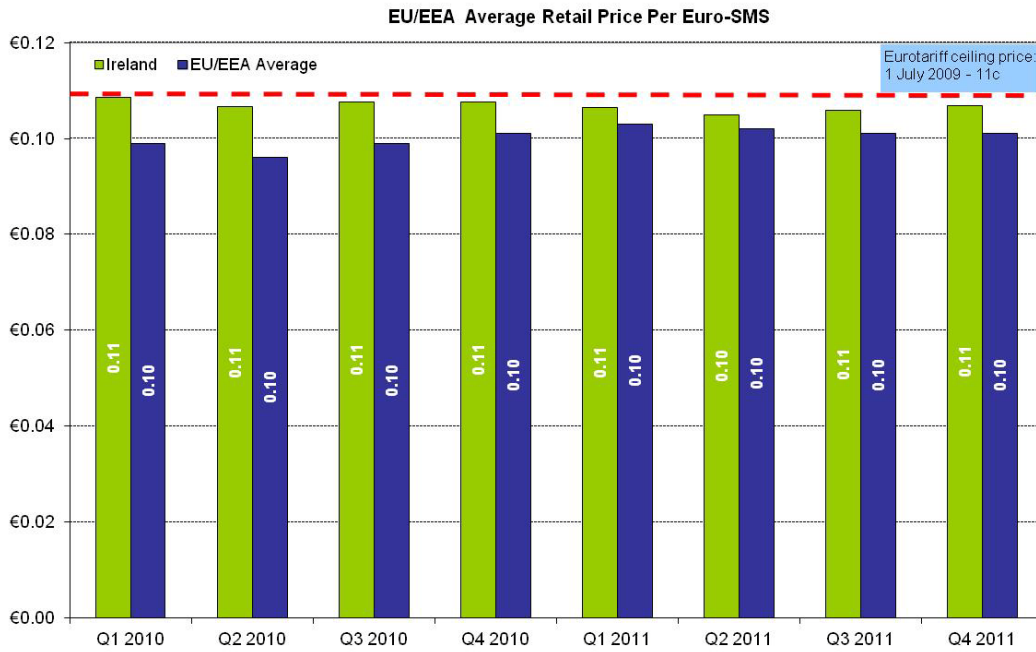
Ireland's average price for making calls outside the EU/EEA is cheaper than the EU/EEA average. Ireland's price was approximately 39% cheaper than the EU/EEA average in Q4 2011.

Figure 4



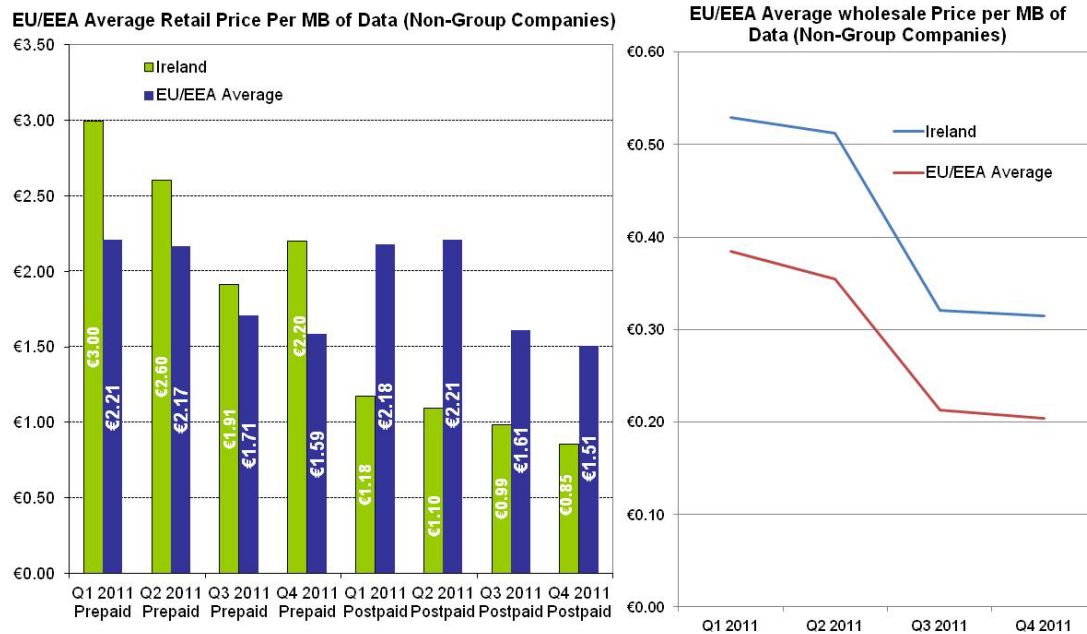
As per calls made, the average price in Ireland for receiving a call from outside of the EU/EEA is cheaper than the EU/EEA average, approximately 29% cheaper in Q4 2011.

Figure 5



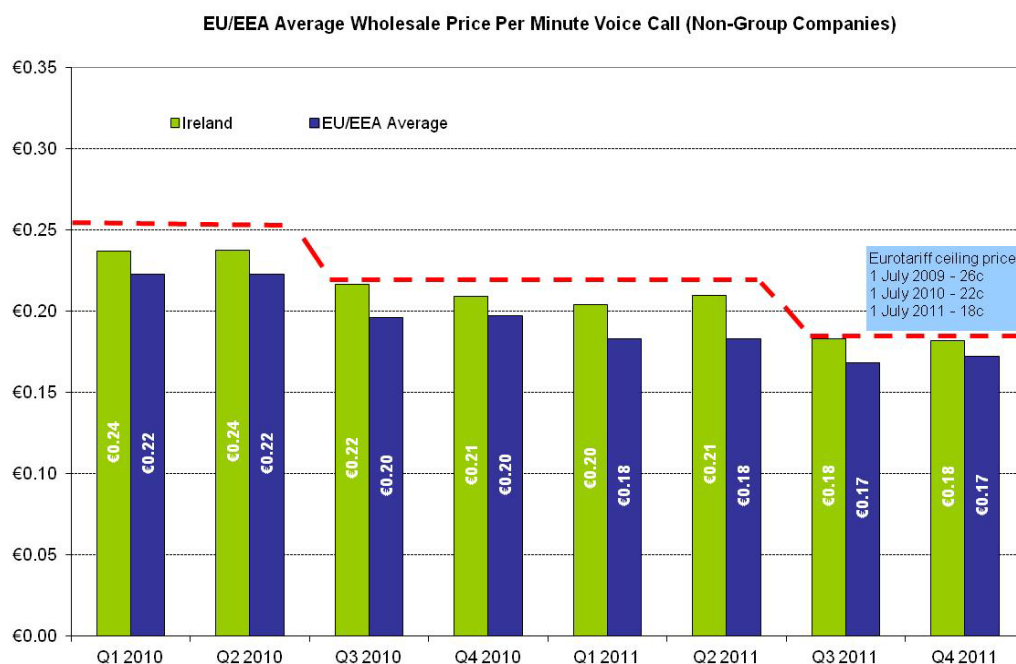
Ireland's average price for sending a Eurotariff text message has remained just below the regulated cap of 11 cents, but slightly higher than the EU/EEA average. This cap was introduced from the 1st of July 2009.

Figure 6



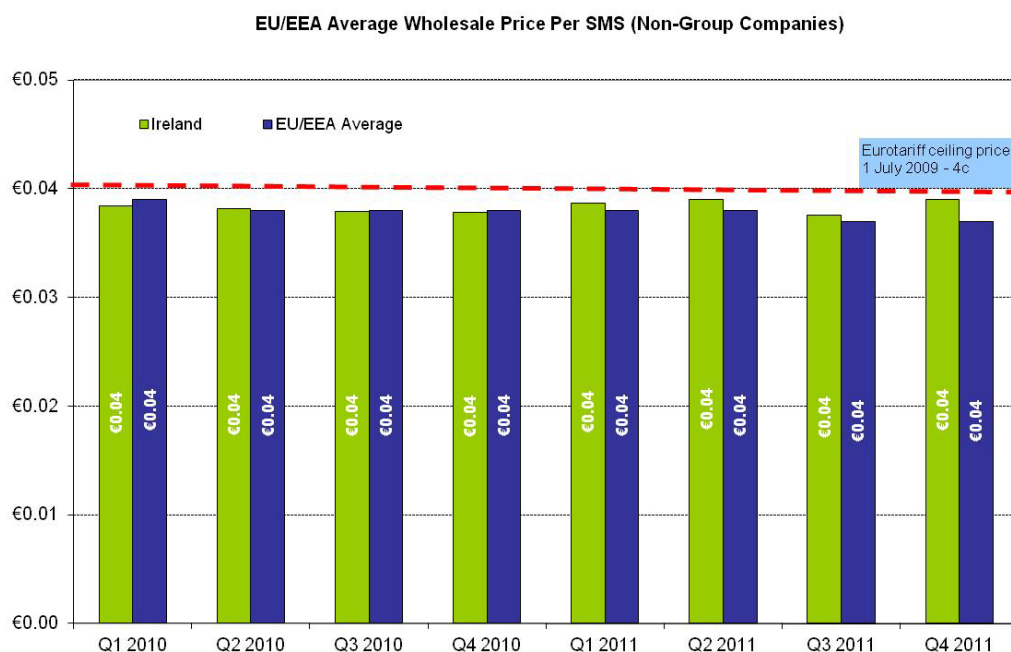
Ireland's retail price per MB of data has varied over the reported periods reflecting customer movements to bundled tariffs. Ireland's pre-paid price has remained higher than the EU/EEA average but Ireland's post-paid price has been lower than the EU/EEA average.

Figure 7



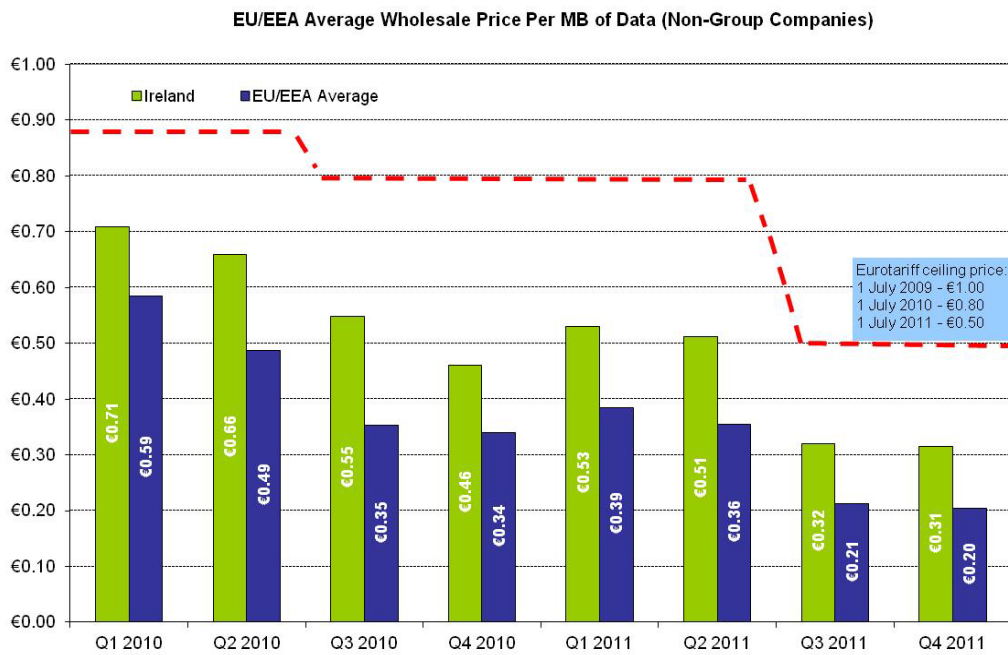
Although Ireland’s wholesale price per call made have been below the regulated cap over the reported periods, prices have remained slightly above the EU/EEA average.

Figure 8



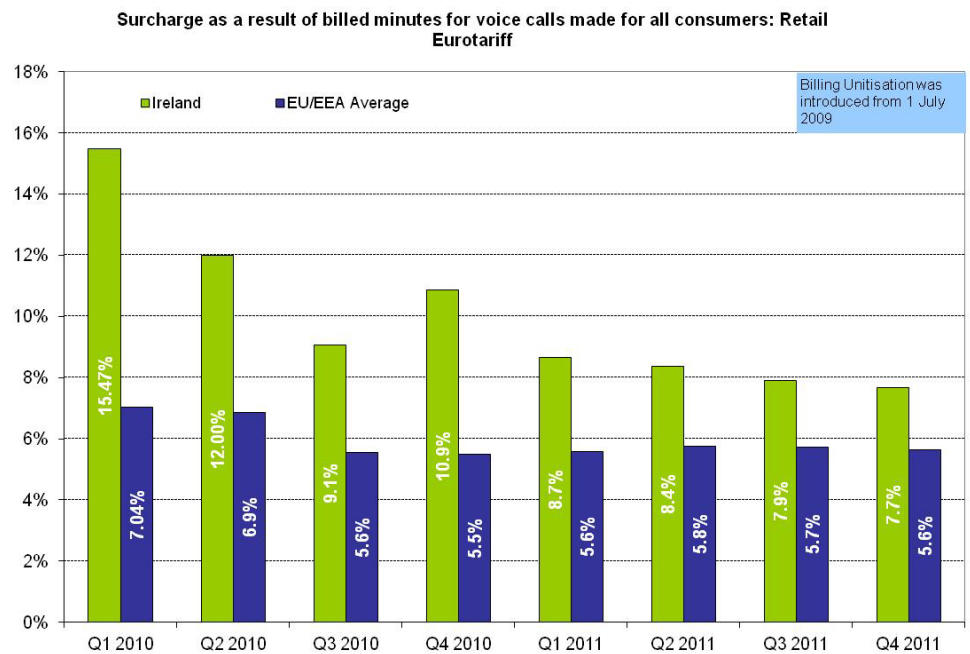
Ireland’s wholesale price per SMS has been at similar levels to the EU/EEA average over the reported periods. A regulated cap of 4 cents was introduced on the 1st of July 2009.

Figure 9



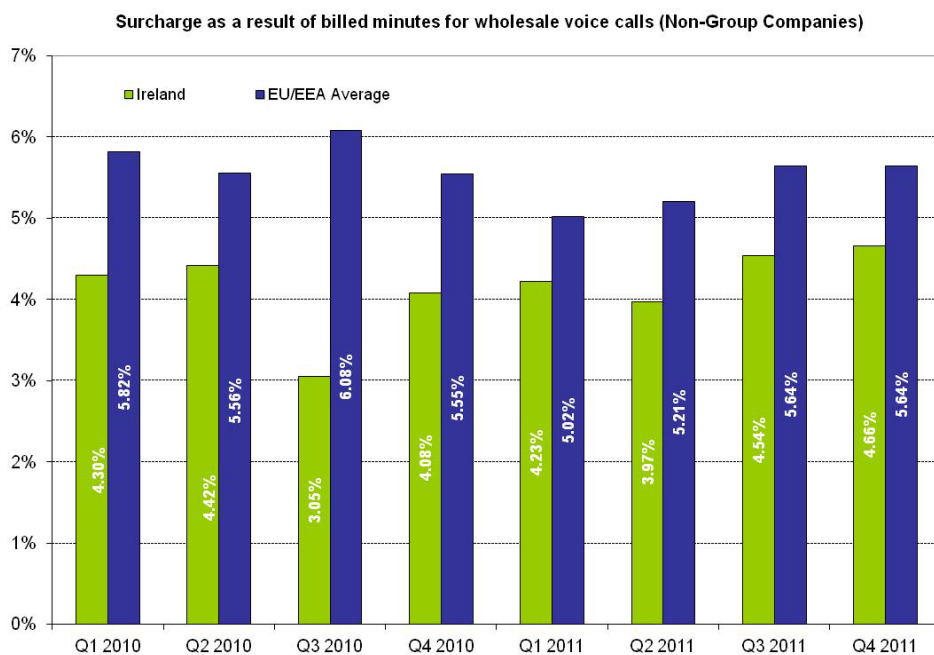
Following the introduction of a regulated price cap in July 2009, the average price per MB of data among Irish mobile operators has declined significantly though they have remained above the EU/EEA average.

Figure 10



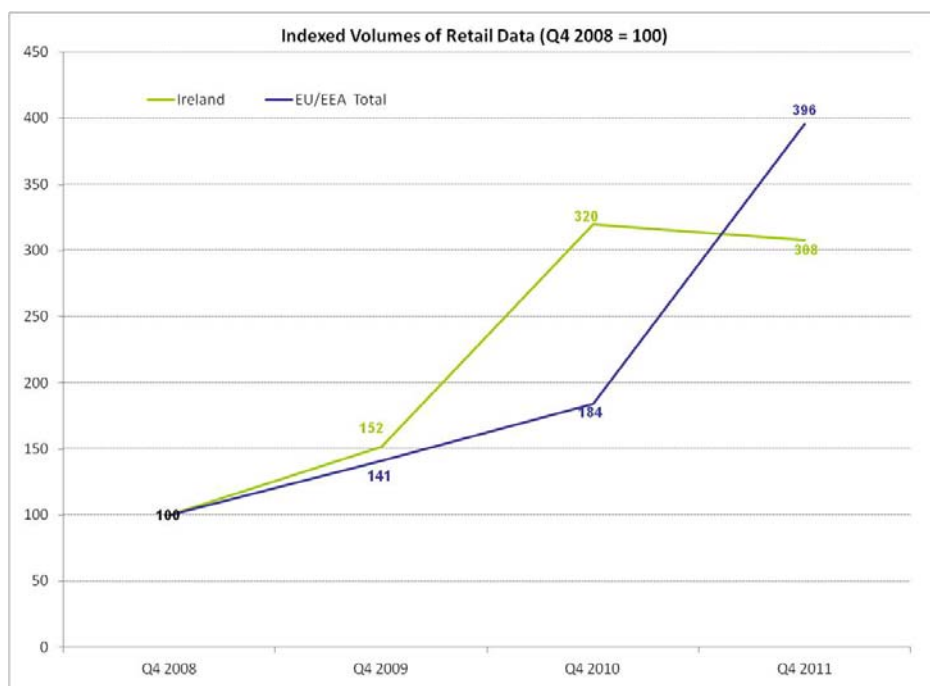
This chart shows the retail price percentage deviation arising from operator billing on a per minute basis as opposed to the price which would be incurred if billed on a per second basis (actual usage). While the Irish percentage deviation for calls made is above the EU/EEA average it has declined significantly, from 15% in Q1 2010 to 8% in Q4 2011. This is a reflection of the introduction of billing unitisation regulation, as Irish operator data suggests a substantial proportion of Eurotariff calls made are under the 30 seconds initial call charge. Per second billing applies thereafter.

Figure 11



This chart is similar as figure 10 but reflects pricing disparities at a wholesale level. For Ireland, the surcharge has remained below the EU/EEA average throughout the reported periods.

Figure 12



The volume of retail data on Irish mobile networks has been growing over the reported periods. Despite a slight fall in Irish mobile retail data volumes between Q3 and Q4 2011, retail data volumes were over 3 times higher in Ireland comparing Q4 2008 to Q4 2011.

4 EU regulatory Requirements

4.1 Requirements 2007 - 2012

Note: All prices are quoted excluding VAT

| Requirements by all mobile operators | 30 Aug 2007 | 30 Aug 2008 | 1 July 2009 | 1 July 2010 | 1 July 2011 |
|---|---|-------------|--|-------------|-------------|
| "Eurotariff" retail limit for voice calls made | 0.49 | 0.46 | 0.43 | 0.39 | 0.35 |
| | Per second billing applies with the option to apply a 30 second minimum charge for calls made. | | | | |
| "Eurotariff" retail limit for voice calls received | 0.24 | 0.22 | 0.19 | 0.15 | 0.11 |
| | Calls received are charged on a per second basis. | | | | |
| Wholesale limit for voice calls made | 0.30 | 0.28 | 0.26 | 0.22 | 0.18 |
| Pricing transparency | Mobile operators to send a free SMS to their consumers with pricing details for making and receiving a call when roaming in the EU. | | From 1 July 2009 the free pricing transparency SMS will include pricing details for SMS, MMS and Data. The SMS will also include information on how to receive more detailed pricing information and information on the European emergency number 112. | | |
| "Eurotariff" SMS retail price limit | N/A | N/A | 0.11 | 0.11 | 0.11 |

| | | | | | |
|--|-----|-----|-------|--|---|
| | | | | | |
| "Eurotariff" SMS wholesale price limit | N/A | N/A | 0.04 | 0.04 | 0.04 |
| Wholesale data price limit (per megabyte) | N/A | N/A | €1.00 | 0.80 | 0.50 |
| Data bill shock measures | N/A | N/A | N/A | 1 March 2010 Ability for consumers to opt in to €50.00 (ex VAT) data roaming limit. | From 1 July 2010 Automatic opt in for all consumers to €50.00 (ex VAT) data roaming limit. Consumers can choose an alternative limit or no limit. |
| | | | | Consumers will receive a warning message when they are near to reaching their roaming limit set for their account. Customers cannot use any more data when their limit has been reached unless they give their consent to continue data roaming. | |
| Voicemail | N/A | N/A | N/A | No charge to consumer to receive a voicemail message. | |

4.2 Requirements 2012 – 2014

4.2.1 Main Provisions of Roaming Regulation III

Voice Calls

Wholesale price caps

(Cent/min excluding VAT)

The glide path will end in 2014 and the cost will remain at 0.05 cent until 30 June 2022.

| Wholesale voice caps | | | | | | | |
|-----------------------------|---------|--------|--------|--------|--------|--------|--------|
| 20/8/07 | 30/8/09 | 1/7/09 | 1/7/10 | 1/7/11 | 1/7/12 | 1/7/13 | 1/7/14 |
| 30c | 28c | 26c | 22c | 18c | 14c | 10c | 5c |

Retail price caps

(Cent/min excluding VAT)/ per second billing applies; operators may charge a 30 second minimum set-up-fee

The glide path will end in 2014 and the cost will remain at 0.19 cent and 0.05 cent until 30 June 2017.

| Retail voice caps | | | | | | | | |
|--------------------------|---------|---------|--------|--------|--------|--------|--------|--------|
| | 20/8/07 | 30/8/08 | 1/7/09 | 1/7/10 | 1/7/11 | 1/7/12 | 1/7/13 | 1/7/14 |
| Calls made | 49c | 46c | 43c | 39c | 35c | 29c | 24c | 19c |
| Calls received | 24c | 22c | 19c | 15c | 11c | 8c | 7c | 5c |

SMS

Wholesale price caps

(Cent per SMS excluding VAT)

The glide path will end in 2013 and the cost will remain at 0.02 cent until 30 June 2022.

| Wholesale SMS caps | | | | |
|---------------------------|--------|--------|--------|--------|
| 1/7/09 | 1/7/10 | 1/7/11 | 1/7/12 | 1/7/13 |
| 4c | 4c | 4c | 3c | 2c |

Retail price caps

Retail price caps (cent per SMS excluding VAT)

The glide path will end in 2014 and the cost will remain at 0.06 cent until 30 June 2017.

| Retail SMS caps | | | | | |
|------------------------|--------|--------|--------|--------|--------|
| 1/7/09 | 1/7/10 | 1/7/11 | 1/7/12 | 1/7/13 | 1/7/14 |
| 11c | 11c | 11c | 9c | 8c | 6c |

DataWholesale price caps

(Cent per MB excluding VAT)

The glide path will end in 2014 and the cost will remain at 0.05 cent until 30 June 2022.

| Wholesale data caps | | | | | |
|----------------------------|--------|--------|--------|--------|--------|
| 1/7/09 | 1/7/10 | 1/7/11 | 1/7/12 | 1/7/13 | 1/7/14 |
| €1.00 | 80c | 50c | 25c | 15c | 5c |

Retail price caps

(Cent per MB excluding VAT)

The glide path will end in 2014 and the cost will remain at 0.20 cent until 30 June 2017

| Retail data caps | | |
|-------------------------|--------|--------|
| 1/7/12 | 1/7/13 | 1/7/14 |
| 70c | 45c | 20c |

More transparency of roaming charges for consumers

- Consumers to receive an SMS, pop-up window, etc when they are crossing borders within the EU and outside the EU to inform them of the price they are expected to pay for making and receiving calls for sending an SMS and for using mobile internet. In addition a freephone number for additional information when roaming must be provided and the 112 emergency access number must also be provided in the EU message.

Measures to counter data roaming bill shocks

- As of 1 July 2012, travellers' data-roaming limit will be automatically set at €50.00 (excluding VAT) when they travel outside the EU (unless they have chosen another limit – higher or lower or opted out of the limit). The data roaming limit within the EU has been in place since 1 July 2009.

Other measures

- Roaming providers to make information available on how to avoid inadvertent roaming. Reasonable steps to be taken by operators to protect their consumers from paying roaming charges while situated in their member state.

- Roaming providers shall inform their customers, of the risk of automatic and uncontrolled data roaming connection and download. Roaming providers to provide information to their customers on how to switch off these automatic data roaming connections in order to avoid uncontrolled consumption of data roaming services.

Structural Measures

- Structural measure will be implemented to allow consumers to contract for roaming services with an alternative provider from 1 July 2014.

5 Legal basis

Article 7 of Regulation (EC) No 717/2007 requires NRAs to monitor developments in charges and to report to the European Commission every six months. Article 7(2) requires NRAs to make up-to-date information on the application of Regulation (EC) No 717/2007 publicly available. This Information Notice is published for this purpose.

Regulation (EC) No 717/2007 as amended by Regulation (EC) No 544/2009 is an EC Regulation. Accordingly, its requirements are *directly applicable* in all Member States. In Ireland, the Minister for Communications, Energy and Natural Resources made secondary legislation in the form of Ministerial Regulations, under which ComReg is designated as the national supervisory and enforcement body for the purposes of Regulation (EC) No 717/2007 (as amended).