

## ERG Explanatory Memorandum to ERG data model specification

Following publication of the EC Regulation on international roaming, the European Regulators Group (ERG) issued a consultation on the data that all EU providers should provide. The consultation can be found on the ERG website at: <http://erg.eu.int>.

Many providers across the EU commented on the consultation. In formulating the final data set to be issued ERG has taken these responses into account, and provides additional explanation below on the main comments received.

- 1) Several respondents argued that the request goes beyond the scope of the Regulation (for example it requests information for roaming outside the EU), this imposes unnecessary burden on industry.

***In order to ensure appropriate and effective implementation, ERG considers that this data is relevant in order to provide an overall picture of how roaming prices are developing – for example the extent to which prices to non-EU countries are increasing, potentially as a result of the Regulation.***

***ERG considers that Article 7.4 of the Regulation provides the requisite basis to request this information.***

- 2) A number of respondents questioned the next steps in the process, and noted that significant updates to existing reporting systems would be required. Such updates may take up to 6 months, and in many cases appear unjustified, for example, in relation to data collected on MMS.

***ERG recognises that a suitable period for updating current systems may be required by some providers and that it may not be possible in particular to disaggregate to the extent proposed in a precise manner. In such cases, ERG would expect providers to make the best estimate available to them for the first data request and to take all reasonable steps to rectify the situation for subsequent requests.***

***In response to comments received during the consultation, ERG has made some significant simplifications to the data request form to reduce the resources needed for its completion.***

***Looking forward, following this initial data request, ERG envisage data requests of this type to be sent to providers on a bi-annual basis; requesting data for the proceeding six-months, split by quarter. The next request therefore is expected to be sent in April 2008, requesting data for the period October 2007 – March 2008; then in October 2008 for the period April – September 2008.***

- 3) Some respondents commented that allowing only one month to supply the data requested is unrealistic; providers would require at least 2 months to respond to the data request.

***ERG has taken account of concerns over the length of time for providers to submit their responses and proposes that NRAs allow providers a period of up to 6 weeks to submit information.***

- 4) Several respondents asked for clarification on how the data would be used once collected, and in particular how it would be shared.

***The data will be collected by individual NRAs responsible for monitoring compliance with the Regulation who may use it (subject to respecting normal requirements of confidentiality) for the purposes of any report they make in accordance with Article 7.2 and/or Article 7.3 of the Regulation.***

***ERG will collect nationally aggregated information from NRAs in order to analyse market developments from a European perspective. ERG expects to use the information received from NRAs to formulate a report providing an overview of international roaming in Europe, which will be provided to the Commission and may also be published (in whole or in part) on the ERG website.***

***The ERG report may be made in conjunction with individual NRA reports or otherwise.***

***In addition, the Commission has stated that it may make a formal request to individual NRAs using its legal powers where it considers this necessary to gather information relevant to its review of the Regulation required under Article 11.***

- 5) A number of respondents requested additional clarification to the definition of 'corporate' consumers.

***ERG considers that the definition: “ “special corporate” means an undertaking that has negotiated a bespoke tariff for roaming which is not available to individual customers”” is sufficient in the data model specification, but thought it useful to explain briefly the reason for requesting that providers split data in this way.***

***Article 7.3 requires NRAs to report information split in this way to the Commission. Furthermore, ERG is keen to ensure that information relating to the price that consumers pay for international roaming is as relevant as possible. ERG understands that small business roaming tariffs are often indistinguishable from those paid by ordinary consumers. Separating out data on the price paid for roaming by large corporate customers with sufficient buyer power to negotiate specially advantageous deals, ensures that information on the price ordinary consumers pay is not contaminated by such deals.***

- 6) Several respondents requested further clarification of the term 'voice minutes', and in particular whether this definition included non-regulated voice calls (ie premium rate calls).

***ERG interprets the Regulation to exclude 'premium rate' services, or other similar value added services, and therefore the volume information requested need not include data relevant to these types of calls.***

- 7) Some respondents argued that there was a lack of justification for collection of information on data roaming

***ERG notes that while data roaming services (including SMS) are not yet subject to regulation in the Regulation, Article 7.3 does require NRAs to monitor developments in wholesale and retail charges for these services. ERG therefore considers that collecting information in respect of these services is justified.***

- 8) A number of respondents also considered there was a lack of justification for collection of information on 'actual' (versus 'billed') roaming minutes

***ERG considers this information to be necessary to properly understand the effect of the Regulation and the impact on companies and consumers of the minimum charging interval.***