



EUROPÄISCHES PARLAMENT

Mitglied des Europäischen Parlaments

Mr. Andrus ANSIP

Vice-President

Commissioner for the Digital Single Market

European Commission

Rue de la Loi 200

1049 Brussels

Belgium

Brussels, 28 April 2016

Re.: Fair-use policy – Our letter of 26 November 2015
Your reply of 13 January 2016

Dear Commissioner,

With reference to our previous written exchanges on the so-called "fair-use policy", which aims to prevent abusive or anomalous usage of roaming services, we once again would like to draw your attention to the situation of the inhabitants of border regions, crossing borders day in, day out for work, education, commerce and leisure.

Following recent statements made by the CEO of Proximus, Belgium's largest telecommunications company, mobile operators would be entitled under the currently prepared fair-use policy, to limit free roaming services to 45–60 days per year. As highlighted in our letter of 26 November 2015, cross-border commuters in border regions use roaming services on a daily basis. Should the fair-use policy indeed foresee a number of days limit, the inhabitants of border regions – such as the 1.7 million Schengen residents, crossing borders for work every day – would *de facto* be penalized by not being able to fully profit from the end of roaming charges.

We therefore reiterate our request to the Commission, to make sure that the inhabitants of border regions and the regular cross-border commuters are not disadvantaged, and that their case will be considered in the definition of the fair-use policy.

Yours sincerely,

Pascal ARIMONT

Sabine VERHEYEN

Ivo BELET

Jeroen LENAERS

Claude ROLIN

Members of the European Parliament
Members of the Euregions Working Group

Brussels, 09. 06. 2016
KK/bk – Ares (2016)

Ms S. Verheyen, MEP
Mr P. Arimont, MEP
Mr I. Belet, MEP
Mr J. Lenaers, MEP
Mr Cl. Rolin, MEP
EUROPEAN PARLIAMENT
60 rue Wiertz
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Dear Honourable Members,

I would like to thank you for your letter which stresses the need to enable inhabitants of border regions to fully benefit from the forthcoming end of roaming surcharges while they are crossing borders for work, education, commerce and leisure.

In the Roaming Regulation the co-legislators have foreseen that the operators may limit the consumption of roaming services at domestic price (s.c. Roaming-like-at-home, or RLAH) on the basis of the application of fair use policies.

According to the Roaming Regulation, the aim of any fair use policy should indeed be to prevent abusive and anomalous usage of RLAH traffic, such as the use of roaming in a Member State other than that of their domestic provider for purposes other than periodic travel.

In order to ensure the consistent application of this provision across the Union, moreover, the co-legislators mandated the Commission to define detailed rules specifying the above-mentioned requirements set out in the parent legislation. The Commission is therefore working on an implementing act in accordance with the Roaming Regulation, to ensure that the possibility for operators to apply fair use policies is not used to deny the benefit of RLAH to travellers who are not engaged in permanent roaming or any other anomalous or abusive use pattern.

This shall not exclude cases where an end-user prefers opting out from the RLAH regime defined under the Roaming regulation in order to sign up to a roaming offer more targeted to his / her individual needs, as is already the case for cross-border commuters using roaming services on a daily basis.

In accordance with the Roaming Regulation, the detailed rules on fair use policy will be adopted by the Commission as an implementing act by 15 December 2016.

Yours sincerely,



Andrus Ansip