

Dear Roberto, dear All,

in furtherance of Giovanni's mail, we are taking the liberty to draft and submit to you some amendments to the draft Single Market Regulation, with specific reference to the articles modifying Regulation 531/2012 on international roaming. The scope of our proposal is to make sure that mobile alliances remain open and competitive, also vis-à-vis MVNOs. MVNO should be entitled to take part to them, directly or by way of the arrangements agreed by respective hosts.

Here Postemobile's amendments (in bold):

*Recital 62:*

*Roaming alliances can allow a mobile operator to treat roaming by its domestic customers on the networks of alliance partners as being to a significant degree equivalent to providing services to such customers on its own networks, with consequential effects on its retail pricing for such virtual on-net coverage across the EU. Such an arrangement at the wholesale level could allow the development of new roaming products and therefore increase choice and competition at retail level. **Mobile virtual operators should not be excluded from such alliances and, in addition, should be entitled to benefit, without discriminations, of the terms agreed by their host operator with the respective alliance;***

*Article 33 – Amendments to Regulation No 531/2012/EU*

.....

*3. A new Article 4a is introduced:*

*"Article 4a*

*1. The members of a roaming alliance shall benefit from the provisions of this Article when the alliance has members in all Member States and when alliance members apply, by default and in all retail packages that include regulated roaming services, the applicable domestic service rate to both domestic services and regulated roaming services, as if the latter were consumed on the home network.*

***Mobile virtual operators should not be excluded from such alliances and, in addition, should be entitled to benefit, without discriminations, of the terms agreed by their host operator with the respective alliance***

I remain at your disposal for further information.

Kind regards,

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Dear Roberto,

on behalf of PosteMobile, I would like to thank you for the kind attention and availability deserved by you and your colleagues, Anthony Whelan and Ramunas Linartas, during our last meeting in Brussels. We really appreciated your cooperation in listening and understanding our concerns and proposals.

We believe that an effective and complete liberalization of LBO services, taking on board the contribution of MVNOs, will be decisive for a successful implementation of the Roaming Regulation. We appreciated that the final version of the Berc Decoupling Guidelines eliminated some causes of concern. We are now waiting for a final position of the European Commission in relation to this issue in its entirety.

Furthermore, we are very interested about the incoming proposal of Commissioner Kroes on the Single Market. While we support in full this initiative, we would like to be involved as much as possible in order to make sure that MVNO operators may play an effective and pro-competitive role. In particular, with regard to the envisaged creation of alliances amongst mobile operators (with subsequent possible derogation of decoupling rules) we believe that this scenario should be regulated in a way to allow MVNOs to take part of it and compete. In this respect, MVNOs should be clearly entitled to be part of such alliances at non-discriminatory conditions, directly or indirectly through their hosts. In the absence of a clear right thereof, MVNO risks to be systematically excluded from such alliances, because they can't rely on the reciprocity conditions enjoyed by MNOs, with the final, absurd and therefore legally incorrect - result that MVNOs may be the only operators that can't offer domestic tariffs for roaming services and thereby obliged to decoupling.

We support your commendable efforts in driving the mobile market towards enhanced competition and integration and we believe that genuine pro-competitive players, i.e. independent MVNOs, may effectively help you in reaching these goals.

Your sincerely,

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