



MINISTARSTVO VANJSKIH POSLOVA
CRNE GORE
Podgorica

Primljeno: 13. 05. 2019. a			
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AMBASADA CRNE GORE U REPUBLICI SRBIJI

Broj: 291/2

Beograd, 8. maj 2019. godine

PREDMET: Nota Ministarstva spoljnih poslova Republike Srbije- original tekst Sporazuma o snižavanju cijena usluga rominga u javnim mobilnim komunikacionim mrežama u regionu Zapadnog Balkana

DOSTAVITI: KAM, DSP, GDE, GDM

U prilogu prosljeđujemo notu Ministarstva spoljnih poslova Republike Srbije, broj 272-6/2019/9 D-88/19, od 6. maja, kojom dostavljaju original tekst Sporazuma o snižavanju cijena usluga rominga u javnim mobilnim komunikacionim mrežama u regionu Zapadnog Balkana, sa molbom da se predmetni Sporazum dostavi resornom ministarstvu.



AMBASADOR

Branislav Mićunović
Prof. Branislav Mićunović



Број: 272-6/2019/9 Д-88/19

Министарство спољних послова Републике Србије изражава своје поштовање Амбасади Црне Горе у Београду и има част да у прилогу достави оригинални текст Споразума о снижавању цена услуга роминга у јавним мобилним комуникационим мрежама у региону Западног Балкана, са пратећом декларацијом, који је сачињен у Београду, 4. априла 2019. године, ради његове доставе Министарству економије Црне Горе.

Министарство спољних послова Републике Србије користи и ову прилику да Амбасади Црне Горе у Београду понови изразе свог посебног поштовања.

Београд, 6. мај 2019. године

**АМБАСАДА
ЦРНЕ ГОРЕ**

БЕОГРАД

AGREEMENT

**ON THE PRICE REDUCTION OF THE ROAMING SERVICES IN PUBLIC
MOBILE COMMUNICATION NETWORKS IN THE WESTERN BALKANS
REGION**

Representatives of the Western Balkan Partners, that signed the Statement of Support to the Digital Agenda for the Western Balkans in Sofia on 17 May 2018 (hereinafter referred to collectively as “the Signatories” and individually as “the Signatory”),

Recognizing the importance of electronic communications services for social and economic prosperity;

Continuing to develop practical cooperation on issues related to the price reduction of roaming services in the Western Balkans region, on the basis of equality and mutual benefit;

Pursuing to achieve a high level of consumer protection, competition, and transparency in the electronic communications market;

Considering:

- that the prices of roaming services in the Western Balkans region remain high, that the retail prices of roaming services in the European Union are the same as domestic prices i.e. “roaming like at home”, pursuant to the following regulations:
 - Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union, as amended by Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 and Regulation (EU) 2017/920 of the European Parliament and of the Council of 17 May 2017
 - Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment and
 - Commission Implementing Regulation (EU) 2018/1979 of 13 December 2018 setting the weighted average of maximum mobile termination rates across the Union,
- the benefits of lowering the roaming costs for the full coverage of end-users in the Western Balkans region, as agreed in the Statement of Support for the Digital Agenda for the Western Balkans,
- the objective of regional economic integration and commitments put forward in the Multiannual Action Plan on Regional Economic Area (MAP REA)

Hereby sign the present Agreement on the price reduction of the roaming service in public mobile communication networks in the Western Balkans region (hereinafter referred to as “the Agreement”).

The terms used within this agreement should have the same meaning as those in the above regulations applicable within the European Union taking into account the specific territorial coverage of this Agreement.

Article 1

The Signatories agree that it is necessary to further reduce the prices of roaming services for the full coverage of all end users in the Western Balkans region.

The Signatories agree that maximum retail roaming charges in the Western Balkans region shall be brought to the price level according to the “home-like” rule, i.e. corresponding to the “roaming like at home” rules applicable in the European Union, by no later than 1 July 2021. The Signatories agree that they will undertake all necessary preparatory steps by this date.

The Signatories agree to introduce a transitional regime for roaming services starting from 1 July 2019.

Article 2

From 1 July 2019 until 30 June 2021, roaming providers in the Western Balkans region may apply a surcharge in addition to the domestic retail price for the provision of regulated retail roaming services. No call set-up fee shall be charged for regulated roaming calls. If any call set-up fee exists in domestic retail tariffs, this fee shall be excluded from regulated retail roaming tariffs calculated according to this Article.

During the transitional period referred to in paragraph 1, where a roaming provider in the Western Balkans region applies a surcharge for the consumption of regulated retail roaming services, it shall meet the following requirements (excluding VAT):

(a) any surcharge applied for regulated roaming calls made, regulated roaming SMS messages sent and regulated data roaming services shall not exceed EUR 0,05 per minute, EUR 0,02 per SMS message and EUR 0,025 per megabyte used, respectively; from 1 July 2020, any surcharge applied for regulated data roaming services shall not exceed EUR 0,015 per megabyte used;

(b) the sum of the domestic retail price and any surcharge applied for regulated roaming calls made, regulated roaming SMS messages sent or regulated data roaming services shall not exceed EUR 0,19 per minute, EUR 0,06 per SMS message and EUR 0,18 per megabyte used, respectively. In case the domestic retail price is higher than the maximum retail roaming price, that maximum retail roaming price shall apply, even if no surcharge is applied;

(c) any surcharge applied for regulated roaming calls received shall not exceed the maximum mobile termination rates of EUR 0,04 per minute from 1 July 2019, EUR 0,025 per minute from 1 July 2020, EUR 0,016 per minute from 1 July 2021 and onwards.

Roaming providers shall not apply any surcharge to a regulated roaming SMS message received or to a roaming voicemail message received. This shall be without prejudice to other applicable charges such as those for listening to such messages.

Article 3

From 1 July 2019, mobile network operators in the Western Balkans region shall meet all reasonable requests for roaming wholesale access to roaming providers operating in the Western Balkans region.

From 1 July 2019 until 30 June 2021, the maximum average wholesale roaming charge that the visited network operator may charge from the roaming provider for the provision of a

regulated roaming services originating on that visited network inclusive of origination, transit and termination costs, shall not exceed EUR 0,05 per minute for regulated roaming calls, EUR 0,02 per SMS message for regulated roaming SMS message and EUR 0,025 per megabyte of data transmitted for regulated data roaming. From 1 July 2020, the maximum average wholesale roaming charge for regulated data roaming service shall not exceed EUR 0,015 per megabyte of data transmitted.

From 1 July 2021, the maximum average wholesale roaming charge that the visited network operator may charge from the roaming provider for the provision of a regulated roaming services originating on that visited network inclusive of origination, transit and termination costs, shall not exceed EUR 0,032 per minute for regulated roaming calls, EUR 0,01 per SMS message for regulated roaming SMS message and EUR 0,0077 per megabyte of data transmitted for regulated data roaming services. The maximum average wholesale roaming charge for regulated data roaming services shall decrease to EUR 0,006 per megabyte on 1 January 2022, to EUR 0,0045 per megabyte on 1 January 2023, to EUR 0,0035 per megabyte on 1 January 2024, to EUR 0,003 per megabyte on 1 January 2025 and to EUR 0,0025 per megabyte from 1 January 2026 and onwards.

Article 4

Regulatory bodies for electronic communications in the Western Balkans region (hereinafter referred to as “the Regulators”) shall be responsible for the implementation of the Agreement, including regulating mobile termination rates for regulated roaming calls originating and terminating across the Western Balkan region on a reciprocity basis at rates consistent with the sustainability of obligations laid down in Article 2 paragraph 2 point (a) and (c), not later than 1 July 2019.

The maximum mobile termination rates of regulated roaming calls originated and terminated in Western Balkans region shall not exceed: EUR 0,04 per minute from 1 July 2019, EUR 0,025 per minute from 1 July 2020, EUR 0,016 per minute from 1 July 2021 and onwards.

Article 5

With effect from 1 July 2021, roaming providers in the Western Balkans region shall not levy any surcharge in addition to the domestic retail price on roaming customers in the Western Balkans region for any regulated roaming calls made or received, for any regulated roaming SMS messages sent and for any regulated data roaming services used, including MMS messages, nor any general charge to enable the terminal equipment or service to be used abroad.

Roaming providers may apply a “fair use policy” to the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in order to prevent abusive or anomalous usage of regulated retail roaming services by roaming customers, such as the use of such services by roaming customers in a Signatory other than that of their domestic provider for purposes other than periodic travel.

Any fair use policy shall enable the roaming provider’s customers to consume volumes of regulated retail roaming services at the applicable domestic retail price that are consistent with their respective tariff plans and comply with the rules laid down by each Signatory.

In specific and exceptional circumstances, with a view to ensuring the sustainability of its domestic charging model, where a roaming provider is not able to recover its overall actual and projected costs of providing regulated roaming services, from its overall actual and projected revenues from the provision of such services, that roaming provider may apply to the

national regulatory authority for authorisation to apply a surcharge, in accordance with the rules laid down by each Signatory. That surcharge shall be applied only to the extent necessary to recover the costs of providing regulated retail roaming services having regard to the applicable maximum wholesale charges.

Any surcharge applied for regulated retail roaming services in the Western Balkan region shall not exceed the maximum wholesale charges in accordance with Article 3 paragraph 3, and, for regulated roaming calls received, the maximum mobile termination rates in accordance with Article 2 paragraph 2 point (c).

The maximum prices referred to in Article 2 paragraph 2 point (b) shall apply to any regulated retail roaming services provided to roaming customers of roaming providers in the Western Balkan region.

Article 6

The Signatories shall, by 1 July 2019, adopt any amendments to the laws or/and bylaws on electronic communications, necessary to achieve the objectives of this Agreement, including to align the level of relevant consumer protection policy with the standards prevailing within the EU.

The amendments to the laws and/or bylaws necessary to ensure that the application of the rules on fair use policy, the rules on the implementation of a sustainability derogation mechanism and the transparency requirements, which correspond to the same rules applicable in the European Union, is uniform in all Signatories and shall be adopted by the Signatories no later than 31 December 2020.

Article 7

The implementation of the Agreement shall be coordinated by a body established by the representatives of the Regulators.

The Regulators shall achieve the necessary coordination in the implementation of the Agreement in such manner that the application of the obligations in the Western Balkans region becomes effective on the date referred in Article 1 paragraph 3.

Article 8

The Regulators and electronic communications operators shall bear the costs of their activities undertaken in order to implement the Agreement.

Article 9

The Regulators shall regularly exchange information on the activities undertaken in order to implement the Agreement.

Article 10

The representatives of the Regulators shall meet at least once a year to consult and consider the application of the Agreement, identify priorities for the forthcoming period in order to take joint actions, if necessary, and adopt common attitudes towards domestic and European organizations in charge of electronic communications, and towards electronic communications operators.

Article 11

Each Signatory may withdraw from the Agreement six months after the delivery of notification to the other Signatories.

The Agreement may be subject to review if the relevant EU regulation is amended and/or if it is necessary to further align the maximum mobile termination rates and/or wholesale charges for the regulated roaming services in order to achieve the objectives set out in Article 1 paragraph 2.

Article 12

The present Agreement replaces the *Agreement on reducing the prices of roaming services on public mobile communications networks among ministries responsible for the area of electronic communications from Bosnia and Herzegovina, Republic of Macedonia, Montenegro and Republic of Serbia*, signed on 29 September 2014, as of 1 July 2019.

Article 13

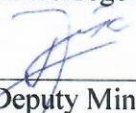
The Agreement is concluded in six copies in English language, of which each Signatory shall retain one copy.

Article 14

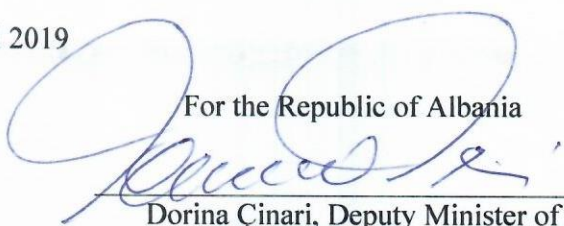
The Agreement shall enter into force on the day of its signing and shall be applied as of 1 July 2019.

Place and date of signing: Belgrade, 4 April 2019

For Bosnia and Herzegovina


Saša Dalipagić, Deputy Minister of
Transport and Communications

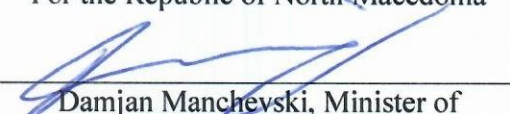
For the Republic of Albania


Dorina Çinari, Deputy Minister of
Infrastructure and Energy

For Kosovo*


Valdrin Lluka, Minister of Economic
Development

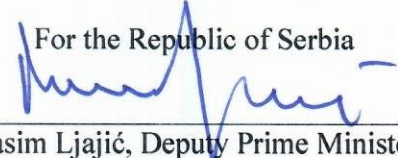
For the Republic of North Macedonia


Damjan Manchevski, Minister of
Information Society and Administration

For Montenegro


Dragica Sekulić, Minister of Economy

For the Republic of Serbia


Rasim Ljajić, Deputy Prime Minister
and Minister of Trade, Tourism and
Telecommunications

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence

**DECLARATION ON STATUS OF KOSOVO* REGARDING CONCLUSION AND
APPLICATION OF AGREEMENT ON THE PRICE REDUCTION OF THE
ROAMING SERVICES IN PUBLIC MOBILE COMMUNICATIONS NETWORKS IN
THE WESTERN BALKANS REGION**

Bearing in mind that the territory of Kosovo and Metohija is a part of the Republic of Serbia and under the international administration pursuant to the United Nations Security Council Resolution 1244 (1999), signing and expressing consent by the Republic of Serbia and/or Kosovo* to be bound by the Agreement on the price reduction of the roaming services in public mobile communications networks in the Western Balkans region cannot be interpreted as a recognition of Kosovo*, nor shall establish a contractual relation in terms of the Vienna Convention on the Law of Treaties (1969), regulating the subject of conclusion and application of agreements between states.

Conclusion and application of the Agreement on the price reduction of the roaming services in public mobile communications networks in the Western Balkans region shall not in any manner prejudice the question of the status of Kosovo* nor the competence and the authority of the Special Representative of the UN Secretary-General and of the KFOR, in accordance with the United Nations Security Council Resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government in Kosovo* (UNMIK Regulation No. 2001/9 of 15 May 2001 amended by UNMIK Regulations No. 2002/9, No. 2007/29, No. 2008/1 and No. 2008/9).

No action of the Government of Kosovo* or the Provisional Institutions of Self-Government in Kosovo* undertaken during conclusion and application of the above mentioned Agreement can be considered valid if it exceeds the framework of authority of the Provisional Institutions of Self-Government in Kosovo* or interfere with powers and responsibilities reserved for the Special Representative of the UN Secretary-General, prescribed by the United Nations Security Council Resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government in Kosovo* (UNMIK Regulation No. 2001/9 of 15 May 2001 amended by UNMIK Regulations No. 2002/9, No. 2007/29, No. 2008/1 and No. 2008/9).