

Mobile Roaming Pricing Control
— Learning from the EC Mobile Regulation and Practices

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Abstract

The EC “2002 regulatory framework for electronic communications” is for the purpose of ex ante regulation but incorporated and based on the principles of competition law. The imposition of ex ante regulatory obligation is only where there is not effective competition, i.e. in markets where there are one or more undertakings with significant market power and where the national and EC competition law remedies did not sufficiently address the problems. The markets suitable for ex ante regulation are complex and dynamic, due to new entrants or technological development, etc., and therefore there is the need for regular review. Mobile roaming, characterized by its cross boundary and transnational feature, presents as an unique issue under the “2002 regulatory framework” and is hardly reasonably dealt by one single Member State regulatory authority. The new mobile regulation, which is deemed to be an exception to the “2002 regulatory framework,” was proposed and the measures capping both the wholesale and retail roaming prices were introduced. The general situation of roaming market and pricing in our country are similar with those of EC’s, but there is no specific regulation for the roaming market in Taiwan. The EC practices of roaming pricing control provide valuable experiences as references for improving and modifying our telecommunication regulation system. The recommendations from this study are as follows: moving toward a telecommunications law with competition law principles, refining the definition of “a dominant market player” and the related regulations, delicately redefining the relevant telecommunications markets, and paying more attention on our mobile roaming market and taking necessary measures for the benefit of customers.

Date submitted: March 19, 2009

Date accepted: December 18, 2009

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Keywords: 2002 Regulatory Framework, Significant Market Power, Ex Ante Regulation, Mobile Roaming, A Dominant Market Player.