

**Wind Tre Wholesale International  
Roaming Access Reference Offer for  
services provided on Wind network  
(MNC = 88)**

**1 January 2018**

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List of Acronyms

- MNO: Mobile Network Operator
- ESP: Enhanced Service Provider
- MNP: Mobile Number Portability
- TCR : Transfer Credit Residual

## Preamble

Wind Tre S.p.A., following the merger of the companies Wind Telecomunicazioni S.p.A. in the acquiring company H3G S.p.A. having legal effect from December 31, 2016, publishes hereafter the Reference Offer for the year 2017 for the Wholesale access to international roaming services provided on Wind network (MNC: 88).

## Introduction

The present document constitutes Wind Tre S.p.A ( in the following “Wind Tre”) reference offer for Wholesale access to international roaming services provided under Wind network (MNC: 88) for the provision of regulated international roaming services to access seekers’ customers under article 3 of the EU Regulation 531/12 as modified by Regulation n. 2015/2120 of the European Parliament and of the Council of 25 November 2015 “*laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union*” in the following referred as “Regulation 531/12”.

This reference offer does not constitute acquiescence to the EU Regulation 531/12 and subsequent amendments.

The present offer does not refer to services and economic conditions provided at national level.

With reference to roaming and interconnection services Wind Tre is available to provide non-regulated international services on commercial basis although it does not imply that Wind Tre assumes the provision of non-regulated services as an obligation. Wind Tre reserves the right to remove such possibility in future versions of the present reference offer.

This reference offers commences on 1<sup>st</sup> January 2017, although since 1<sup>st</sup> July 2012 wholesale roaming access services provided on Wind Network has been operating according to the EU Regulation principles, negotiating access according to the statement foreseen in the EU regulation 531/12.

In order to adhere to the present wholesale international roaming reference offer, access seeker shall sign an international roaming agreement with Wind Tre. The present reference offer does not prevent the possibility for Wind Tre and access seeker from freely negotiating different terms and conditions from the ones provided hereinafter.

According to paragraph 6 of the EU regulation n. 531/2012 two separate offers are provided:

- a direct wholesale international roaming access Reference Offer (Part 2)
- a wholesale international roaming resale access Reference Offer (Part 3)

For each of them a description is provided with the associated terms and conditions.

An introduction (Part 1) referring to all items common to the previous offers precedes the offers main features description.

The present offer is published on Wind Tre website at the link:

<http://windtre.it/governance/offerta-wholesale>

<http://windtre.it/en/governance/wholesale-offer>

# Part 1

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## COMMON ITEMS

### Reference legislative framework

Wind Tre publishes the present reference offer for accessing the provision of regulated Wholesale international roaming services according to:

- EU Regulation n. 531/2012 of the European Parliament and of the Council of 13 June 2012 on international roaming on public mobile communications networks within the Union, according to its premise n. 27 and Article 3 “Wholesale roaming access”, paragraphs 5 and 6, as modified by Regulation n. 2015/2120 of the European Parliament and of the Council of 25 November 2015 “laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union” as lately modified by Regulation n. 2017/920 of the European Parliament and of the Council modifying rules for wholesale roaming markets ( in the following “Regulation n. 531/2012”).

The above regulations modifies the EU Regulation n. 544/2009 of the European Parliament and of the Council of 18 June 2009 updating EU Regulation n. 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile communications networks within the Community.

On 27<sup>th</sup> September 2012, according to the EU Regulation n. 531/2012, BEREC published its

- BEREC Guidelines on the application of Article 3 of the Roaming Regulation - WHOLESALE ROAMING ACCESS.

Even if the above mentioned BEREC Guidelines are not legally binding, Wind Tre took it in the utmost account in the definition of this reference offer, as requested by the EU Regulation n. 531/2012 art 3 (5).

### Definitions

All the definitions, as stated in art. 2 of EU Regulation n. 531/2012, applies in the present reference offer.

Moreover the following definition, as integrated by AGCOM decision n. 26/08/CIR and 65/09/CONS apply:

*MVNO (Mobile Virtual Network Operator):* an undertaking offering retail mobile telecommunication services using its own: mobile switching infrastructures, HLR (*Home Location Register*), MNC (*Mobile Network Code*), subscriber management activities, providing its own SIM (*Subscriber Identification Module*) cards, but without frequency resources and using, for radio access, an agreement with one or more mobile network operators.

*ESP (Enhanced Service Provider):* an undertaking providing retail Telecommunication services signing an agreement with a mobile network operator. It doesn't have its own numbering resources, does not issue SIM cards but uses its own commercial brand to resale services and SIMs; it is responsible for final customers commercialization, billing and assistance.

## Dispute resolution

According to Art. 17 of the EU Regulation n. 531/2012, in the event of a dispute arising in connection with the existing obligations under the present reference offer between Wind Tre and the access seeker, either party can request the intervention of the Italian Regulatory Authority, for the issue of a binding decision to resolve the dispute.

In particular Art. 23 of Legislative Decree n. 70 /2102 ("Italian Electronic Communication Code") shall apply.

## Reference offer update and modifications

The present Reference Offer will be updated at least every year according to the evolution of the regulated price caps.

Wind Tre reserves the right to modify this reference offer anytime.

The present reference offer will be also updated according to the evolution of the national and European regulation. Wind Tre will evaluate the opportunity to update the reference offer in order to take into utmost account the potential update of Berec guidelines.

To the scope of providing regulated international roaming access services, Wind Tre undertakes to analyse any request for methods of international roaming access different from the ones indicated in the present offer, so as to evaluate its feasibility, investments required, terms and economic conditions to apply.

Wind Tre reserves the right to propose and to negotiate innovative wholesale pricing schemes which are not directly linked to volumes actually consumed, as a mere example, like flat payments, upfront commitments or capacity-based contracts, or pricing schemes that reflect variations of demand across the year.

In such a case the negotiating parties will agree that any average wholesale roaming charge resulting from the application of the agreement is not subject to the correspondent maximum regulated wholesale roaming charge for the period of validity of the agreement.

This would exclude the possibility for either party to subsequently request the application of volume-based maximum wholesale charges to actual consumption, as set out in Regulation (EU) No 531/2012 as amended by Regulation 2017/920.

Wind Tre reserves the right to include conditions to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union.

Such conditions, including also the possibility to terminate a wholesale roaming agreement where Wind Tre S.p.A. has established that, based on objective criteria, permanent roaming by a significant share of the roaming provider's customers or anomalous or abusive use of wholesale roaming access is taking place, will be defined according to art 3.6 of the Regulation 531/2012 as amended by Regulation 2017/920.

## Identity of the access seekers

The present reference offer is directed to undertakings which are entitled, under the law of the EU Member State granting authoritative rights, to provide international roaming services to final customers in that EU Member State. Access seeker final customers shall be identified by EU numbering resources assigned to the mobile service.

## Terms of provisioning

According to Art 3, paragraph 5 of the EU Regulation n. 531/2012, Wind shall provide access seeker with a draft agreement in the term of one month from the receipt of the access seeker's request, provided it is complete in all its details and information, as stated in part 2 and 3, enabling Wind Tre to verify if the request is compliant with the Regulation n. 531/2012, and granting the access seeker right to access the offer. The access seeker shall sign a non-disclosure agreement (NDA) before receiving the draft contract by Wind Tre and before starting negotiations with Wind Tre in order to enter into the international roaming agreement.

The access seekers request will be managed accordingly with their arrival date.

The draft contract will be used as a reference for a subsequent negotiation if more or different services from the regulated ones are requested.

Access to the regulated international roaming services requested will be granted within three months from the signature of the international agreement, otherwise different terms are negotiated.

Any subsequent modification of the initial request will stop the terms expire and the parties will agree on the new terms for the provision of the service as requested.

Wind Tre commits to carefully evaluate any request which does not require deployment of an undue level of resources to implement it and where it is reasonable to foresee that the implementation costs will be recovered by the access seekers even within a reasonable period of time. Wind Tre also reserves the right to impose guarantees to assure payment



for wholesale international roaming services provided according to the present reference offer, or to assure recovery of investments undertaken specifically to provide access.

Wind Tre may refuse requests for wholesale international roaming access on the basis of objective criteria, such as technical feasibility, the need to maintain network integrity, access seeker refusal to provide economical and procedural tools to contrast fraud phenomenon and /or insolvency.

In case the access seeker requests the provision of additional services or also the provision of non-regulated services, the terms for the provision of the service will be agreed bilaterally. Wind Tre commits to respond to such a request within a period of time not exceeding two months from its initial receipt, such term could be extended in accordance with the complexity of the non-regulated services requested.

Provisioning of regulated international roaming access service is conditioned to the acceptance by the access seeker of fraud prevention procedures in accordance with normal commercial practice adopted by Wind Tre referring to the common GSMA procedures, also considering the peculiarity of the unilateral nature of Wind Tre obligation to provide international roaming access even on asymmetric basis.

## Part 2

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### WHOLESALE DIRECT INTERNATIONAL ROAMING ACCESS REFERENCE OFFER

#### Service description

The present wholesale Direct international roaming access offer provides, on Italian territories, to an access seeker the wholesale international roaming services which are necessary to the access seekers to offer retail international roaming services to its final customers.

This offer is limited to regulated international roaming services to/from geographic and mobile numbering resources.

Wind Tre retains the right to define conditions to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union.

#### Undertakings entitled to access Wholesale Direct International Roaming Access

Wind Tre is available to provide direct access to its network infrastructure to Mobile Network Operators and Full Mobile Virtual Operators holding a valid licence/authorization in EU member states to provide mobile services to its customers identified by EU numbering resources (IMSI<sup>1</sup> – CC<sup>2</sup> – NDC<sup>3</sup>) assigned to the mobile service.

The access seeker shall provide:

- the legal name and address of the company together with the name of the legal representative,
- Information about membership of the GSMA,
- Licence or authorization to provide mobile services to EU customers,
- Bank account coordinates,
- Traffic forecasts for the 12 months following international roaming launch.

Wind Tre provides Direct Roaming Access according to industry standards and behaviours and requires the access seeker to be compliant with the rules set by the GSMA for establishing roaming relationships.

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<sup>1</sup> International Mobile Subscriber Identity

<sup>2</sup> Country Code

<sup>3</sup> Network Destination Code

## Contact point :

Access seekers shall send their request to:

[EURR-Agreement@mail.wind.it](mailto:EURR-Agreement@mail.wind.it)

## Offer description

The present reference offer provides access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated international roaming services to final customers' access seeker, as defined in article 3 of EU regulation 531/12, according to the list below.

Wind Tre provides regulated international roaming services enabling the access seeker to provide to its customers, according to the relevant technical standards:

- International roaming Voice calls to geographic and mobile numbering resources,
- International roaming Short Message services to geographic and mobile numbering resources,
- International roaming Packet Switched services.

Wind Tre is a full GSMA member and provides international roaming services following the specification and procedures of GSMA relevant bodies.

## Information required to the access seeker

The international access seeker (not Italian) shall specify the services needed for Postpaid and/or Prepaid customers to provide:

- Mobile Voice International Roaming services
- Mobile SMS International Roaming services
- Packet Switched International Roaming services on 2G and/or 3G access

If the access seeker is an MNO willing to offer international roaming on its own network shall specify this in the access request.

## Services provided by Wind Tre

The services, provided by Wind Tre on the Wind Network are specified, jointly with their related main features, protocols and technologies, in the Annex S of the agreement that will be provided to the access seeker in the regulated term of one month.

Wind Tre reserves the right to limit services provision only to regulated international roaming services as imposed by regulation 531/12.

## Technical conditions

Wind Tre will provide regulated international roaming services according to the following main list of features fully described in Annex S of the agreement:

- All the protocols adopted by Wind Tre on Wind Network that are compliant with the relevant GSM/3GPP standards.
- Technologies available: GSM, UTRAN.

- Network Features: EDGE, UDI, HSDPA, HSUPA.
- List of network frequencies
- Short code services
- Camel phases 1

### **Economic conditions**

Regulated Economic conditions are specified in Annex I. Non-regulated conditions will be shown in the draft agreement.

### **Accounting**

Accounting information will be provided following the Transfer Account Procedure specified by the relevant GSMA documents.

### **Billing of international roaming access services**

Billing procedures related to the international roaming access services will be regulated in the international roaming agreement negotiated and signed by the access seeker and Wind Tre .

## **Services requested to the Access seeker**

### **Administrative requirements**

The access seeker shall provide at least 4 Prepaid SIM Card and 4 Postpaid SIM Cards according to the services required in order to enable Wind Tre to test in real time effectiveness of international roaming services provided

The access seeker shall make available a technical support team for the completion of the IREG and TADIG tests according to the relevant GSMA binding documents.

### **Anti-fraud requirements**

The access seeker shall be compliant with the latest anti-fraud procedures specified by the relevant GSMA binding documents and more in detail compliant with the Near Real Time Roaming Data Exchange (NRTRDE) procedure.

The access seeker shall provide details of the anti-fraud systems and the procedures established.

### **Bank guarantee**

Wind Tre retains the right to ask for a security deposit / bank guarantee/ letter of credit, as a guarantee for the proper fulfilment of the access seeker contractual obligations to Wind Tre , including insolvency and fraud.

# Part 3

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## WHOLESALE INTERNATIONAL ROAMING RESALE ACCESS REFERENCE OFFER

### Service Description

Wind Tre, according to art 3 (5) of the EU regulation 531/12, provides a wholesale international roaming resale access reference offer allowing an access seeker to access the international roaming agreement that Wind Tre sets up with the EU international roaming providers all over the European Union.

Resale access to such agreements enables the access seeker to provide regulated international roaming services to its final customers.

This offer is limited to regulated international roaming services to/from geographic and mobile numbering resources.

When Wind Tre signs a new international roaming agreement with an EU operator, Wind Tre will automatically extend existing wholesale resale access agreements to cover access to the new visited network.

Wind Tre is entitled to autonomously upgrade, modify, terminate its agreement with its international roaming partners and the relevant changes shall apply automatically to existing resale access agreements.

Wind Tre retains the right to define conditions to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union.

### Undertakings entitled to require Wholesale International Roaming Resale Access

In order to take full advantage of the international roaming agreement signed by Wind Tre with the provider of regulated international roaming services across Europe, the resale access to Wind Tre international roaming agreement can be provided only to the ESP<sup>4</sup> that are hosted on Wind network, being its IMSI code already present in Wind network international roaming partners systems and properly tested for their effectiveness.

If the access seeker is not currently hosted on Wind network it has to become in advance an ESP hosted on Wind network in order to apply for the wholesale international roaming resale access offer.

ESP hosting on WIND network will be negotiated according to the Italian regulation.

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<sup>4</sup> as defined in paragraph "Definition".

Requests to access the Wholesale international resale international roaming access services and to become an ESP on Wind network can be sent to the following contact point:

[wind-wholesale@mail.wind.it](mailto:wind-wholesale@mail.wind.it)

Wind Tre commits to respond to request for ESP hosting within a reasonable period of time not exceeding two months from its initial receipt<sup>5</sup>, providing a non-disclosure agreement (NDA) and a draft agreement, including a list with all the requirements needed to fulfil the specific request. Requests for already hosted ESP will be answered in the regulated term of one month providing a draft agreement.

Terms and conditions to become an ESP hosted on WIND network for the provision of regulated international roaming services will be provided in the draft agreement referred above.

In both cases Wind Tre will negotiate provision of non-regulated international roaming services at commercial conditions.

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All the following provisions refer to an undertaking requesting wholesale international roaming resale access to provide regulated international roaming services to its final customers. Such undertaking being **already hosted on the Wind network as an ESP or willing to be hosted on the WIND network**.

## Offer Description

Wind Tre will provide to the ESP hosted on its network all the services necessary in order to enable the access seeker to implement and to invoice its customers the following international roaming regulated services:

- International roaming Voice calls to geographic and mobile numbering resources,
- International roaming Short Message services to geographic and mobile numbering resources,
- International roaming Packet Switched services

Regulated International Roaming Services are provided reselling the services provided to Wind Tre by visited operators.

## Services provided by Wind Tre

In the wholesale charge requested to provide the above services are included:

- Access to transit services used by the MNO for its own international roaming business
- Access to all wholesale functions and facilities provided by the MNO and used to supply its own retail international roaming business, in particular:
  - contract negotiation and implementation,

<sup>5</sup> according to art 3 (7)

- signalling,
- authentication,
- data clearing,
- billing interconnect,
- fraud handling,
- provisioning,
- Global international Roaming Exchange,
- IP Exchange.

Moreover some other services will be provided at fair and reasonable prices, like resale of:

- termination of incoming voice calls;
- outgoing SMS messages interworking costs.

Upon specific request for non-regulated international roaming services, Wind Tre will evaluate the provision of a commercial proposal based upon positive results of a preliminary feasibility analysis worked out by Wind Tre.

It is hereby understood that any further request for non-regulated international roaming services filed by the access seeker shall in no way be binding on Wind Tre.

#### **Control of Bill shock and Services to implement retail transparency obligations**

Wind Tre will provide bill shock control facilities in the same terms they are provided to its final customers. Any modification of the terms of provisioning of such facilities provided to Wind Tre customers shall apply automatically to the access seeker provided services.

#### **Economic conditions**

The economic conditions for the provisioning of regulated international roaming services are detailed in ANNEX I and defined here below:

- International roaming Voice calls to geographic and mobile numbering resources,
- International roaming Short Message services to geographic and mobile numbering resources,
- International roaming Packet Switched services.

In addition to the charges described in Annex I, the costs of termination of incoming voice calls and outgoing SMS messages will be applied according to the fair and reasonable value that will be provided to the access seeker with the draft agreement.

At the current stage of introduction of the regulation 531/12, according to BEREC guidelines, non-regulated services will be allowed and charged at commercial conditions.

Wind Tre reserves the right to limit services provision only to regulated international roaming services as imposed by regulation 531/12.

The economic conditions for any non-regulated international roaming services and/or any other additional services will be subject to feasibility analysis and specific commercial offer by Wind Tre.

Wind Tre shall in no way be obliged to fulfil any further/additional requests coming from the access seeker not related to regulate international roaming services.

### Wholesale Invoicing

Billing procedures related to the international roaming access services will be regulated in the agreement to be negotiated and signed by the access seeker and Wind Tre .

Wind Tre shall issues an invoice based upon the economic conditions set out in the agreement above.

Wind Tre will also issue a traffic report with the traffic invoiced at wholesale level, detailed per SIM cards. Wind Tre will also provide an application based on FTP (File Transfer Protocol), that the access seeker could use to download on a weekly basis the CDR related to the traffic of its own SIM.

Such traffic information shall not be considered as valid for end user billing and invoicing but are only provided as an estimate of the traffic volumes and total fees. It is understood that only the traffic report attached to the invoiced will be considered as valid per dispute or claim.

Billing and invoicing to the end user are under the sole responsibility and at expenses of the access seeker.

### Services requested to the Access seeker

#### Regulatory obligations

The access seeker shall fulfil all the regulatory obligations among which: MNP, TCR, and any other obligation stated by the relevant authorities.

#### Anti-fraud

The access seeker shall commit itself to coordinate with Wind Tre the activities needed to prevent fraud regarding both parties and other operator running an international roaming agreement with Wind Tre .

The access seeker shall be requested to provide a contact point that will cooperate with Wind Tre for risk-assurance management

In particular Wind Tre reserves the possibility to suspend the international roaming services of any SIM card at its own right in case of abnormal use or/ and risk of fraud, providing timely information to the access seeker contact point. If requested by Wind Tre the access seeker shall provide all the information needed to stop fraud events.<sup>6</sup>

Wind Tre retains the right to modify the pre-existing agreements on fraud prevention in order to take proper account of wholesale international roaming resale access provisioning.

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<sup>6</sup> As a mere example, in case of a SIM card suspension, the access seeker shall provide all the information related to the owner of the suspended SIM and the list of the SIM cards owned by the same customer.



### **Bank Guarantees**

Wind Tre retains the right to ask for a security deposit / bank guarantee/ letter of credit, as a guarantee for the proper fulfilment of the access seeker contractual obligations to Wind Tre , including insolvency and fraud.

## **Annex I Economic conditions for regulated international roaming traffic**

# **Annex I**

## **Economic conditions for regulated international roaming traffic**

## Inter Operator tariff (IOT) for Regulated international Roaming traffic

IOT applicable as from	< 2017-06-15 >
Currency used	EURO
Tax applicable	< No >

### Circuit Switched Traffic

Day Categories (National & International):	no differentiation applied
Time Bands (National & International):	no differentiation applied
Initial Charging Interval 30 seconds	Subsequent charging interval 1 seconds
Charging of Emergency Services	< no >
Charging of national call forwarding	< yes >
Charging of CAMEL Invocation Fee	< no >

### International Roaming Tariff Overview Table

Service	unit	From 15 June 2017
Mobile international roaming outgoing Voice Call to EU-EEA zone <sup>7</sup>	€/min.	0,032
Mobile outgoing international roaming Short Message delivered to the access seeker SMS-C	€/sms	0,01

The above economic conditions do not refer to services and economic conditions provided at national level.

### Zone EU - EEA

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, French Guyana, Germany, Gibraltar, Greece, Guadelupe, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Martinique, Netherlands, Norway, Poland, Portugal, Reunion, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (including Guernsey, Jersey and Isle of Man), Vatican City

Emergency-112, Fire-115, Police-113, Medical Emergency-118	Free
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<sup>7</sup> This offer refers only to the outgoing calls from final retail customers of Access seeker while in international roaming under the visited network and terminated to EU – EEA geographic and mobile numbering resources.

### GSM CS and/or 3GSM CS Services

Service	Tariff
GSM CS Data	Charged as Telephony service
GSM CS Fax	Charged as Telephony service

### IOT for Packet Switched Traffic 2G and 3G

Day Category: Standard  
 Time Bands: All day rate  
 Unitisation: Total volume (Upload Download)

TAP Partial Records Number of TAP partials generated per 24 hrs per PDP context (including the criteria used): If we receive all partial network we produce only one TAP Partial for day, otherwise after a time out we produce all necessary TAP partials to send out all network partial received. The number of TAP partial depend on the quality of network partial received

TAP partial charging: NO

Incoming/Outgoing data volumes separately charged: NO

TAP partials independently rated and rounded: YES

Service	unit	From 1 January 2018
International roaming Packet Switched Traffic	€/kB	0,000005

These economic conditions do not refer to services and economic conditions provided at national level.

Volume based tariffs are quoted for kB.

Further volumes charge at 1 kbyte increments.