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Press release

## MOBILE NETWORK SHARING

### Extension of the roaming agreement between Free Mobile and Orange: Arcep concludes no changes required to the contractual amendment

Paris, 23 October 2020

#### **An amendment to the roaming agreement between Free Mobile and Orange was submitted to Arcep in February 2020: it extends the phasing out period for roaming by two years**

On 24 February 2020, Arcep received a contractual amendment to the roaming agreement concluded between Free Mobile and Orange, which prolongs the phasing out of Free Mobile's national roaming on Orange 2G and 3G networks to 31 December 2022, and maintains the maximum upstream and downstream speeds that roaming customers can achieve to 384 kbit/s.

In a press release dated 3 April 2020<sup>1</sup>, Arcep had informed market players of this contractual amendment, and invited them to share their remarks on the matter.

In response to this call for comments, Arcep received feedback from companies Bouygues Telecom and SFR, and from the Alternative Telecom association, which it is making public today.

The Law gives Arcep the power to request changes to mobile network sharing agreements if they are required to achieve stated regulatory objectives<sup>2</sup>. To this end, Arcep adopted guidelines in May 2016 which provide an analytical grid for assessing these contracts. Arcep examined the contractual amendment submitted by Free Mobile and Orange based on these guidelines, and entered into an adversarial phase which is protected by business secrecy.

#### **After an in-depth examination, Arcep concluded that it does not appear necessary to request that Free Mobile and Orange further amend their contract**

Arcep ascertained, on the one hand, a steady decrease in volume and proportion of Free Mobile communications being relayed via 2G/3G roaming and, on the other, the operator's ongoing rate of spending on its own 3G/4G/5G network. After having performed an in-depth examination, Arcep concluded that it does not appear necessary to request that Free Mobile and Orange further amend their contract. Indeed, the Authority concluded that, particularly in light of the current state of the market, Free Mobile's steady rate of investment in its own network, and the characteristics of the roaming service, execution of this contract, as modified by the amendment, is unlikely to create an obstacle to achieving the regulatory objectives set forth in Article L. 32-1 of the French Postal and Electronic Communications Code (CPCE), notably free and fair competition between operators that benefits users and fosters the development of investment, innovation and competitiveness in the electronic communications sector.

Arcep will remain attentive to Free Mobile's ongoing spending on the deployment of its own networks.

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<sup>1</sup> Arcep press release: <https://en.arcep.fr/news/press-releases/view/n/mobile-network-sharing-030420>

<sup>2</sup> This power is stipulated in Article L.34-8-1-1 of the French Postal and Electronic Communications Code (CPCE), introduced by Act No. 2015-990 of 6 August 2015 on Growth, Business and Equal Economic Opportunity

### **Associated documents:**

- [Arcep press release of 3 April 2020](#)
- [Comments received from Bouygues Telecom, SFR and Alternative Telecom](#)

### **Arcep at a glance**

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile telecoms and postal networks in France.

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