

Press release

SMS INTERCONNECTION

Arcep settles a dispute between Tismi and Orange over the conditions governing interconnection for the transmission of SMS to their respective subscribers

Paris, 27 July 2023

The firm Tismi requested that Arcep settle a dispute it was having with the carrier, Orange, as it was seeking to obtain interconnection services that would enable its customers operating multi-purpose phone numbers that could be used with a technical platform to exchange SMS (aka text messages) with Orange customers. Tismi was asking Arcep:

- to enjoin Orange to offer an interconnection agreement for two-way SMS termination, carrying specific contractual terms¹; that the pricing terms of this interconnection service provided to Tismi be cost-based, notably by applying reciprocal billing of one eurocent between the two operators, with no additional fixed costs.

In a Decision published today, the Arcep body responsible for settling disputes, legal proceedings and investigations (aka “RDPI”) granted several of Tismi’s requests

The “RDPI” body concluded, first, that the service at the centre of the dispute was an SMS termination service, which is indeed governed by interconnection rules. Second, it concluded that the contractual proposal that Orange must make to Tismi must include two-way relaying of text messages sent by Tismi subscribers to Orange subscribers from the interconnection point between these two operators, and vice-versa.

The “RDPI” body also concluded that it was fair that, if there is not a significant imbalance in the number of text messages exchanged between Tismi and Orange, these two operators could charge each other an identical per-message SMS termination fee.

The Arcep body responsible for settling disputes is sending the parties back to the negotiating table to set the SMS termination rate

However, the “RDPI” body also concluded that, given the emerging nature of SMS services dedicated to conversations between a company and a mobile subscriber, it was unable at this stage to set an adequate applicable SMS termination rate between the two operators, and referred the matter back to them to negotiate in good faith.

In conclusion, Arcep’s “RDPI” body is requesting that Orange submit an interconnection agreement to Tismi within five months, for the two-way termination of SMS calls, which includes an identical rate of billing for SMS between the parties, provided there is not a significant imbalance in the volume of SMS exchanged.

User protection, changing behaviours and innovation, efficient number management: in September 2022 Arcep adopted a Decision amending the national numbering plan

[In the new version of the numbering plan, adopted in September 2022](#), Arcep introduced a new category of fixed numbers that have been assignable to operators since 1 January 2023: “Multipurpose numbers that can be used for communications with a technical platform”. Starting with 09 37, 09 38 and 09 39, these numbers enable a “technical platform” user – e.g. a company wanting to interact with its customers – to exchange text messages with any mobile subscriber.

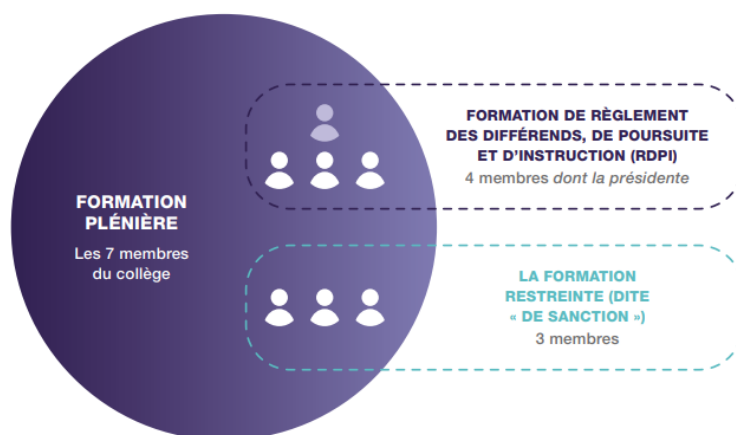
¹ One-year contract with a tacit annual renewal clause, unless a minimum three months’ notice is given prior to the expiration date, and without Orange having the right to automatically terminate the contract on the day the law changes following publication of the new public numbering plan.

How the Arcep Executive Board works:

Three of Arcep's different competencies are exercised within three distinct Executive Board bodies:

- The Plenary Body which is composed of all seven Board members;
- **The Body responsible for settling disputes, legal proceedings and investigations (RDPI)** which is composed of four of the seven Board members, including the Chair, and which is responsible for opening prior examination procedures, issuing formal notices and notifying grievances;
- The restricted (sanctioning) Body, which is composed of the three remaining Board members, and responsible for imposing (or not imposing) penalties.

LE COLLÈGE DE L'ARCEP



Associated document:

[Arcep Decision No. 2023-1413-RDPI of 6 July 2023 ruling on the request to settle a dispute between the firms Tismi B. V. and Orange France](#)

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.

Contact presse

Anne-Lise LUCAS
anne-lise.lucas@arcep.fr
Tél.: 01 40 47 70 20

Suivez ARCEP

www.arcep.fr
 @ARCEP Facebook
 LinkedIn Dailymotion

Abonnez-vous

Flux RSS
Lettre électronique
Listes de diffusion