
Press release

MOBILE NETWORK SHARING

Extension of the roaming agreement between Free Mobile and Orange to 31 December 2025: Arcep concludes that no changes required to the contractual amendment

Paris, 8 December 2022

An amendment to the roaming agreement between Free Mobile and Orange was submitted to Arcep in July 2022: it extends the roaming sunset period by three years.

On 27 July 2022, Arcep received an amendment to the roaming agreement concluded between Free Mobile and Orange.

Signed that same day, this amendment extends the sunset period for Free Mobile's access to nationwide roaming on Orange's 2G and 3G networks up to 31 December 2025. In particular, it maintains the cap on the upstream and downstream speeds available to Free Mobile's roaming customers at 384 Kbits, as well as the capacity of interconnection links between the Free Mobile and Orange core networks, for the flow of total roaming traffic. The amendment also sets out the financial terms that will apply from 2023 to 2025, which include an extension of the financial mechanism whose purpose is to encourage "a reduction in the number of Free Mobile customers who are using Orange's 2G/3G network".

In response, on 7 September 2022¹ Arcep issued a press release informing the sector of the amendment and asking stakeholders to submit any comments on the matter before 7 October 2022. Operators SFR and Bouygues Telecom sent their observations to Arcep on 6 and 7 October 2022, respectively. Arcep is now publishing these contributions.

Arcep is permitted by Law to request changes to mobile network sharing agreements should this "prove necessary to achieve the objectives set forth in Article L. 32-1 or to meet the commitments made under the terms of licences to use radio frequencies"².

Under these circumstances, and to make clear the analytical grid used to assess these contracts, in May 2016 Arcep adopted mobile network sharing guidelines³. The Authority examined the contractual amendment submitted by Free Mobile and Orange in light of these considerations, and began an adversarial stage with Orange and Free Mobile, which is protected by business secrecy.

After conducting an in-depth examination, the Authority has concluded that it does not appear necessary to request that Free Mobile and Orange amend their agreement.

Arcep ascertained a steady decrease in the volume and proportion of Free Mobile traffic being routed via 2G/3G roaming, as well as the operator's ongoing active investment in its own 3G/4G/5G network. The agreement also includes methods for incentivising Free Mobile to continue to invest in its own network and reduce its use of roaming. The Authority thus concluded that it did not appear necessary to request that Free Mobile and Orange make any changes to their agreement. Indeed, it concluded that, in light of the current state of the market, Free Mobile's ongoing investment in its own network, and the characteristics of the roaming

¹ Arcep press release: <https://en.arcep.fr/news/press-releases/view/n/mobile-network-sharing-070922.html>

² This authority is stipulated in Article L.34-8-1-1 of the French Postal and Electronic Communications Code (CPCE), created by Act No. 2015-990 of 6 August 2015 on Growth, economic activity and equal economic opportunity.

³ Mobile network sharing guidelines: https://www.arcep.fr/uploads/tx_gspublication/2016-05-25-partage-reseaux-mobiles-lignes-directrices.pdf

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service, the execution of this agreement, as modified by the amendment, which includes the shutdown of the Orange 2G network in France at the end of 2025, is not likely to prevent the market from achieving the regulatory objectives set out in CPCE Article L. 32-1, notably with respect to fair and effective competition that benefits users, and the development of investment, innovation and competitiveness in the electronic communications sector.

Arcep will remain attentive to Free Mobile's continued investment in the deployment of its own networks.

Associated documents:

- [Arcep press release of 7 September 2022](#)
- [Link to the publication of remarks from Bouygues Telecom and SFR](#)






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 communications and postal networks in France.

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