ASEAN FRAMEWORK ON INTERNATIONAL MOBILE ROAMING

The Telecommunications and IT Ministers of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam (hereinafter referred to collectively as “ASEAN Member States” or “Participants”; or individually as “ASEAN Member State” or “Participant”);

COMMITTED to an inclusive and integrated ASEAN through cooperation in the field of Information and Communications Technology (“ICT”) and to propel ASEAN towards a digitally-enabled economy that is secure, sustainable and transformative;

RECALLING that the Heads of Government, at the 4th ASEAN Summit held on 27-28 January 1992 in Singapore, declared that an ASEAN Free Trade Area ("AFTA") shall be established in the region;

RECOGNISING that intra-ASEAN economic cooperation will secure a liberal trading framework for trade in services, which would strengthen and enhance trade in services among ASEAN Member States;

REITERATING the commitment to the rules and principles of the General Agreement on Trade in Services ("GATS") and noting that Article V of GATS permits the liberalising of trade in services between or among the Participants to an economic integration agreement;

REALISING the importance of promoting affordable access to international mobile roaming services in ASEAN, with a view to supporting regional integration, and benefit consumers in the region;

REAFFIRMING the commitment by the ASEAN TELMIN Leaders at the 16th ASEAN Telecommunications and Information Technology Ministers Meeting ("TELMIN") on 26 November 2016 in Brunei Darussalam, to develop an ASEAN Framework on International Mobile Roaming to provide travellers and businesses with affordable access to international mobile roaming services within ASEAN;

RECALLING the ASEAN Economic Community ("AEC") Blueprint 2025 adopted by the ASEAN Leaders at the 27th ASEAN Summit on 22 November 2015 in Kuala Lumpur, Malaysia, which called for the lowering of international mobile roaming charges in ASEAN;
RECALLING FURTHER the ASEAN ICT Masterplan 2020 (“AIM2020”) adopted at the 15th ASEAN TELMIN on 27 November 2015 in Da Nang, Viet Nam, which called for the development of a framework to provide affordable access to international mobile roaming services in ASEAN;

HAVE REACHED the following understanding on this ASEAN Framework on International Mobile Roaming (hereinafter referred to as “Framework”):

Objectives

1. This Framework serves to promote transparent and affordable international mobile data roaming services in ASEAN, with a view to further enhance regional integration, and benefit consumers in the region.

2. The Participants recognise that currently, about half of all the mobile telecommunication operators (“Operators”) in ASEAN offer their subscribers international mobile data roaming service on a daily flat-rate basis. This Framework therefore seeks to encourage all Operators operating in ASEAN to provide transparent and affordable international mobile data roaming service on a daily flat-rate basis in ASEAN.

Effect of the Framework

3. This Framework serves only as a record of the Participants’ intentions and does not constitute or create, and is not intended to constitute or create, obligations under domestic or international law and will not give rise to any legal process and will not be deemed to constitute or create any legally binding or enforceable obligations, express or implied.

Implementing Body

4. The Participants agree to designate their respective telecommunication regulatory body to be the Implementing Body responsible for coordinating, implementing and managing activities relating to this Framework.

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1 Daily flat-rate refers to a fixed fee for the usage of mobile data within a designated geographical territory and network(s) for one day, while roaming.
Scope of the Framework

5. The Implementing Body of each Participant has the discretion to decide whether to apply this Framework to a particular Operator based in its territory.

6. The Implementing Body of each Participant will encourage the selected Operator(s):
   
a) To adopt measures that promote price awareness and transparency of international mobile data roaming services to its subscribers, such as by sending “Welcome Short Message Service (“SMS”)”, providing accessible and easy-to-understand pricing information, and informing consumers when they reach a certain limit for data roaming usage; and

b) To offer its subscribers at least one option of mobile data roaming service on a daily flat-rate basis in the territory of the other Participants. The rate, terms and conditions of such a service will be mutually determined by the Operators involved in providing the service.

7. Where an Operator based in one Participant does not have any mobile data roaming service on a daily flat-rate basis in the territory of another Participant, the Implementing Body of the first-mentioned Participant will encourage this Operator to endeavour to:
   
a) Negotiate, on commercial basis, with at least one Operator of the other Participant for a mobile data roaming service on a daily flat-rate basis. The rate, terms and conditions of such service will be mutually determined by the Operators; and

b) Offer its subscribers at least one option of mobile data roaming service on a daily flat-rate basis in the territory of the other Participant by 2020.

8. Where necessary, the Implementing Bodies of each Participant will work together and encourage the Operator(s) based in their respective territories to negotiate with each another under Paragraph 7(a), in accordance with domestic laws, policies and regulations.

9. For greater certainty, any arrangement between Operators, to provide mobile data roaming services on a daily flat-rate basis, that may result from the implementation of Paragraph 6(b) and Paragraph 7(a), will be based on each Operator’s own commercial decisions, including but not limited to the rates, terms and conditions of the service.
10. The Participants recognise that an Operator may vary or withdraw the mobile data roaming service on a daily flat-rate basis for reasons such as commercial viability.

**Implementation of the Framework**

11. Recognising the different levels of development among the Participants, a Participant may delay the implementation of this Framework by informing the ASEAN Secretariat in writing. Where a Participant delays implementing this Framework, the terms of this Framework will not apply to the Participant.

12. The Implementing Bodies of each Participant will provide the necessary advice, or guidance to encourage their Operator(s) to negotiate with the Operator(s) of the other Participants in accordance with Paragraph 6 and Paragraph 7.

13. The implementation of this Framework will be reviewed every six months. The ASEAN Secretariat will facilitate this review by collating each Participant’s progress reports.

14. For greater certainty, this Framework does not prevent any Operators of any of the Participants, regardless of whether the Participants are able to implement the Framework, from establishing commercial arrangements among themselves on mobile data roaming services in addition to daily flat-rate mobile data roaming.

15. This Framework recognises that two or more Participants may establish bilateral arrangements amongst themselves to further strengthen cooperation to promote affordable international mobile roaming services.

**Confidentiality**

16. A Participant will not communicate, disseminate, disclose or release to any third party any confidential document, information, or data received from the other Participant(s) in the course of the implementation of this Framework except to the extent as authorised in writing to do so by the other Participant providing such document, information or data. The Participants accept that the provisions of this Paragraph will continue to apply notwithstanding the termination of this Framework.

**Amendments**

17. This Framework may be amended at any time by mutual agreement of the Participants.
Settlement of Disputes

18. In the event of any dispute, Participants will resolve the dispute amicably through consultation or negotiations, without any reference to any third party or international tribunal.

Final Provisions

19. This Framework is adopted at the 17th ASEAN TELMIN on 30 November 2017 in Siem Reap, Cambodia, and will be effective on 1 January 2018 for a period of two years. This Framework may be extended prior to its expiry by written agreement of the Participants for such period as the Participants may agree.

20. A Participant may at any time withdraw from this Framework by giving at least six (6) months written notice to the other Participants.

21. This Framework may be terminated by mutual written agreement of all Participants.

ADOPTED AT Siem Reap, Cambodia, on this Thirtieth day of November in the Year of Two Thousand and Seventeen, in one (1) original copy in the English language.