



VIL/PB/RCA/2023/018

July 25, 2023

Advisor (Networks, Spectrum and Licensing)
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg (Old Minto Road),
New Delhi – 110002

Kind Attn: Shri Akhilesh Kumar Trivedi

Subject: Counter-comments on the TRAI's Consultation Paper on "Definition of International Traffic" dated May 02, 2023

Dear Sir,

This is in reference to the TRAI's Consultation Paper on "Definition of International Traffic" issued on May 02, 2023.

In furtherance to the comments submitted by us vide our letter no. VIL/PB/RCA/2023/016 dated July 11, 2023, kindly find enclosed herewith counter-comments from Vodafone Idea Limited on the above-said consultation paper.

We hope our submission will merit your kind consideration please.

Thanking you,

Yours sincerely,

For **Vodafone Idea Limited**

P. Balaji
Chief Regulatory & Corporate Affairs Officer

Enclosed: As stated above



VIL Counter Comments to the TRAI Consultation Paper on “Definition of International Traffic”

This is with reference to the TRAI Consultation Paper on “Definition of International Traffic” dated May 02, 2023 and the comments from various stakeholders on this paper, as uploaded on TRAI’s website.

In this regard, we would like to submit our counter comments to certain comments made by few stakeholders. We out rightly disagree with the comments of certain stakeholders regarding the definition and charges pertaining to International traffic. Our detailed counter-comments are given below for kind consideration of the Authority.

1. Some entities have stated as below:

“Advancement of technology has resulted in various solutions, which operate prior to the actual generation of a SMS. These upstream applications or systems do not interact with any telecom network and do not result in the initiation of SMS, and therefore, it would be very expansive to include within the definition of international SMS “data, application, or systems which influences, generates, control, facilitate or enable”, as this definition would include systems which do not interact with the telecom networks, at all.”

In this regard, we would like to reiterate that:

- a. Any traffic which comes from / goes to international destination, would have to be treated as international traffic and thus, a lawful activity to be carried out under ILD authorization only.
- b. Further, due to this advancement in technologies and economic activities being more and more digital and proliferation of applications over mobile, the consumer usage is becoming digital wherein SMS on a MSISDN becomes a prominent and trusted way of authentication and information/communication.
- c. **These entities certainly do not have any interest in bringing their platforms/servers in India. They are making every possible attempt to bypass local licensing requirements of routing International SMS through ILDO only by wrongly raising issues of ambiguities / consumer concerns. Hence, such licensing requirements should be clearly upheld and amply clarified leaving no chances of ambiguities.**
- d. We reiterate that such masquerading of International SMS as domestic SMS (through A2P or P2P route) is akin to gray voice call frauds where International calls were terminated on end Indian consumers as domestic calls, due to commercial gains and was quite prevalent in past.



- e. Further, with such advancement in technologies and more evolutions expected in the future, any attempt to hard code definition of international SMS (or traffic) in license, will always be limited and generic in nature and will not serve the purpose. It will still give way to certain entities for using proxy servers to bypass the robust ILD route and claim International SMS as Domestic SMS.
 - f. Further, the claims made by such entities that the cost of such international traffic will be eventually borne by the customers are false on ground. The sole aim of such entities is to promote their commercial interests and try every possible way to reduce their costs in providing business in India by passing legitimate rights of ILDOs. The issue in this case is that they are bypassing the legal ILDO route to send their messages which is resulting in revenue loss to the National exchequer as well.
2. Further, some of the stakeholders have submitted as under:

"The definition of "international traffic" assumes importance because of the difference in charges levied for the termination of an international SMS and a domestic SMS.

Telecom Service Providers ("TSPs") have the discretion to charge the rates that they desire for international SMSs, on account of forbearance shown by the TRAI."

In addition to the above, various stakeholders have also raised the request to TRAI regarding the need to issue a separate consultation basis pricing of such charges.

In this regard, we would like to submit as follows:

- a. From comments of such entities raising International SMS charge, it is amply clear that they also acknowledge that the SMS being sent is an international SMS and hence, they are raising such concerns as they have to pay higher commercials for international SMS than for the domestic SMS.
- b. Further, these entities have chosen to put across only part-details and not complete details. They have highlighted pricing for International Commercial A2P SMSs applicable to certain entities with comparisons but, they have chosen to remain silent on the retail pricing of Outgoing SMS applicable during International roaming, which is presently in the range of Rs 15 to Rs 25 per SMS depending upon terminating country. These A2P messages are originated by Domestic entities from International servers locations and thus, akin to International roaming sms. Moreover, even the retail price of International outgoing SMS from India is Rs 5 per SMS.
- c. If an appropriate comparison is done, it will show that the tariff for International Commercial A2P messages being brought by these entities is significantly lower than the retail charges for outgoing SMS while on International roaming.



- d. Therefore, on this count only, the comparison of international sms charges shown by these entities is incorrect and need to be summarily dismissed.
 - e. Also, it is important to mention that the International SMS prices are under forbearance as per TRAI's Regulatory framework. Further, the charges for international SMSs for commercial purposes being charged by Indian TSPs are set in line with the global standards.
 - f. As the concerns being expressed by such stakeholders are not legitimate, their baseless statements should not be considered and thus, there is no need of any intervention to that extent.
3. **Therefore, we strongly reiterate that there is neither any need to define international traffic nor there is any need for TRAI to intervene on the international A2P SMS tariff which is under forbearance presently.**
4. **Final Submission:**
- a. The present licensing and regulatory norms are adequate to bifurcate between domestic and international SMS. There is no new definition of International traffic required in this regard.
 - b. The Authority should instead choose to clarify that SMS originated outside India (P2P or A2P through servers) and terminating on Indian consumers is international incoming traffic and is to be brought inside India through ILD authorization only.
 - c. However, if TRAI considers defining it to be important, in our view, the definition of International SMS as defined by TSPs in their Code of Practice (reproduced below) should be used:

International SMS: Any data/application/system/servers etc. which influences, generates, control, facilitate or enable the generation, dissemination/ transmission of messages from a location outside the territory of India will constitute as International messages. Any mirroring solution in India shall not impact and/or change the nature of such International SMS to national SMS.
 - d. **There is no need to intervene on the pricing of International SMS as these prices are already set under forbearance as per TRAI's Regulatory framework and this topic is also out of context on the instant matter being consulted upon.**