

Roaming Regulation

EU Digital Single Market policy

This briefing is one in a series of 'implementation appraisals', produced by the European Parliamentary Research Service (EPRS), on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law, which is likely to be amended or reviewed, as envisaged in the European Commission's annual work programme. 'Implementation appraisals' aim to provide a succinct overview of publicly available material on the implementation, application and effectiveness to date of an EU law, drawing on input from EU institutions and bodies, as well as external organisations. They are provided by the EPRS Ex-Post Evaluation Unit, to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

SUMMARY

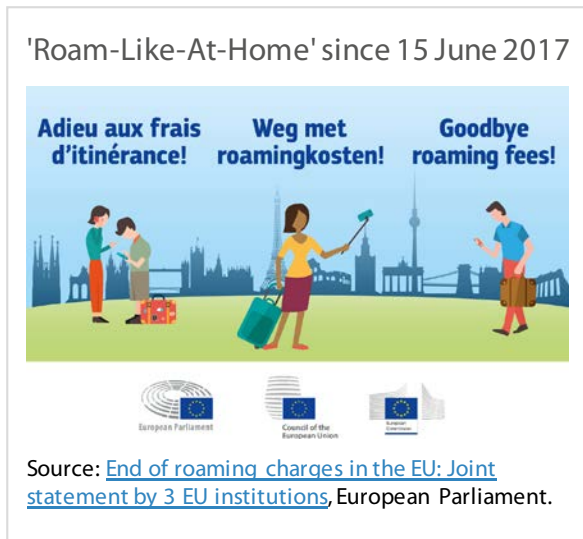
The Roaming Regulation established the 'Roam-Like-At-Home' (RLAH) rule that mandated the end of retail roaming charges as of 15 June 2017 in the EU, while also establishing price caps on wholesale charges enabling both cost recovery and sustainable RLAH and ensuring fair use policy and a sustainability derogation. The regulation forms part of the EU digital single market achievements and is currently in force until 30 June 2022.

The 2019 Eurobarometer survey showed that the application of the RLAH rule has been welcomed by EU citizens and has boosted the use of mobile devices during travel to another EU Member State and to the three EEA countries. In an analysis published in 2019, the Body of European Regulators for Electronic Communications (BEREC) pointed out that 'the overall objective of the RLAH regulation has been a success'. However, BEREC also stressed that it 'does not expect that the competitive conditions in the roaming market will change in the near future in a way that a regulatory intervention is not required anymore'.

Five years after the adoption of the regulation in 2015, the European Commission is obliged to review it so as to assess its effects and the need to extend the time-span of its application, in particular to amend the maximum wholesale charges. In its inception impact assessment, the Commission pointed out that market conditions do not yet appear to guarantee that RLAH rules can continue without regulatory intervention, and proposed to extend the rules beyond their current expiry date of 30 June 2022.

While the Roaming Regulation is an internal market instrument, the EU is also working on promoting its roaming rules beyond the EU – in the EU neighbourhood – by supporting and facilitating the processes of cutting roaming costs for consumers in the Western Balkans, and facilitating the preparation of a regional roaming agreement among the six Eastern Partnership countries.

EU roaming rules stopped applying to the United Kingdom once it left the single market on 31 December 2020; RLAH is therefore not guaranteed in this country anymore.



Background

Basic definitions

Roaming, according to the Cambridge dictionary, is 'the use of a mobile phone service that you can connect to when you cannot connect to the one that you normally use, for example if you are in another country'. The EU Roaming Regulation defines **Union-wide roaming** as 'the use of a mobile device by a roaming customer to make or receive intra-Union calls, to send or receive intra-Union SMS [text] messages, or to use packet switched data communications, while in a Member State other than that in which the network of the domestic provider is located, by means of arrangements between the home network operator

and the visited network operator'.

Inbound roaming traffic in country A is generated by customers of foreign mobile (virtual) network operators (M(V)NOs) (or service providers) using their mobile devices while visiting country A. The outbound roaming traffic in country A is generated by customers to service providers (operators) from country A using their mobile devices in roaming while travelling abroad. In both cases there are three categories of roaming traffic: a) call roaming; b) SMS roaming; and c) data roaming.

The wholesale roaming market is the market where a service provider A from one country, based on a wholesale roaming agreement, buys roaming services from a service provider B in another country. Under the RLAH rule, service provider A offers the roaming service to its customers at the domestic retail service price. The caps on the wholesale roaming charges and retails roaming charges are defined by the EU roaming regulations.

EU roaming regulations

The entry into force of the RLAH rule in 15 June 2017 was preceded by a long and gradual process, ending with the entry into force of the amended Regulation (EU) No 531/2012 (see Figure 1). The process started in 2007 with a gradual reduction of the maximum roaming charges, both at the wholesale and the retail level, for calls made and calls received in roaming. Further, a gradual reduction of the costs of text messages sent and of data use in roaming mode was added in 2009, together with travellers' retail data-roaming limits to protect consumers from bill shocks. The EU regulations also introduced the requirement for operators to inform customers about roaming charges. The competition on the roaming market was also enhanced. The RLAH rule applies to terrestrial public mobile communication networks and does not apply to networks on board ships and planes, unless the roaming customer is connected to the terrestrial (land-based) mobile networks (e.g. on rivers, lakes or along the coast).

The current legal framework on roaming in the EU countries/EEA countries (Iceland, Liechtenstein and Norway) is based on:

- [Regulation \(EU\) No 531/2012](#) of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union,

Figure 1: Roaming Regulation timeline



Source: [Roaming Factsheet](#), European Commission.

OJL 172/10 of 30.06.2012, (the Roaming Regulation) ([consolidated version](#)), amended by [Regulation \(EU\) 2015/2120](#) and [Regulation \(EU\) 2017/920](#);

➤ [Commission Implementing Regulation No 2016/2286](#);

➤ [Commission Implementing Regulation \(EU\) 2019/2116](#).

General rules on roaming

The Roaming Regulation introduced a RLAH rule that mandated the end of retail roaming charges in the EU as of 15 June 2017, subject to fair use policy and a sustainability derogation. To achieve RLAH, tariffs had been [gradually](#) reduced over the previous years (see Table 1).

Table 1: Regulated roaming tariffs, 2007-2022 (€ excl. VAT)

Year	Retail voice call made	Retail voice call received	Retail SMS	Data wholesale MB*	Data retail MB
2007	0.49	0.24			
2008	0.46	0.22			
2009	0.43	0.19	0.11	1.00	
2010	0.39	0.15	0.11	0.80	
2011	0.35	0.11	0.11	0.50	
2012	0.29	0.08	0.09	0.25	0.70
2013	0.24	0.07	0.08	0.15	0.45
2014	0.19	0.05	0.06	0.05	0.20
2015	0.19	0.05	0.06	0.05	0.20
2016	domestic price + up to 0.05	0.0114	domestic price + up to 0.02	0.05	domestic price + up to 0.05
2017	domestic price	domestic price	domestic price	0.0077 €7.7 per GB	domestic price
2018	domestic price	domestic price	domestic price	0.0060 € 6 per GB	domestic price
2019	domestic price	domestic price	domestic price	0.0045 €4.5 per GB	domestic price
2020	domestic price	domestic price	domestic price	0.0035 €3.5 per GB	domestic price
2021	domestic price	domestic price	domestic price	0.0030 €3.0 per GB	domestic price
2022	domestic price	domestic price	domestic price	0.0025 €2.5 per GB	domestic price

Source: European Commission [table](#), as updated by the Commission's DG CNECT.

* Data wholesale caps gradually decrease from €7.7 per GB in 2017, €6 per GB in 2018, €4.5 per GB in 2019, €3.5 per GB in 2020, €3 per GB in 2021 and €2.5 per GB in 2022 until 30 June.

It was planned that the [caps](#) for calls and SMS messages defined as of 15 June 2017 at the level of 0.032 €/minute for calls made and 0.01 €/SMS would remain unchanged until 30 June 2022 (with a review in 2019).

Intra-EU calls and text message sending fees

The fees for 'intra-EU calls' (calls made and text message sent from one EU country to another EU country) were capped, and as of 15 May 2019, phone calls cost a maximum of €0.19 + VAT per minute to call

another EU country, and text messages cost a maximum of €0.06 + VAT per SMS sent to another EU country. Intra-EU calls are not roaming calls and therefore are not regulated by the Roaming Regulation, but by an amendment to Regulation (EU) 2015/2120 laying down measures concerning open internet access and retail charges for regulated intra-EU communications.¹

Fair use of roaming and sustainability derogation measures

The Roaming Regulation and Commission Implementing Regulation (EU) 2016/2286 introduced special [measures](#) with the aim of avoiding distortions on domestic markets and ensuring the sustainable use of roaming across the EU/EEA:

- substantially reduced wholesale roaming price caps²;
- the possibility for operators to apply a fair use policy (FUP) to prevent abusive or anomalous use of roaming services at domestic prices, such as the permanent use of a SIM card in other Member States than the Member State of that SIM card ('permanent roaming');
- an exceptional and temporary derogation system for operators to be used only if authorised by the national regulator, under strict circumstances when the end of roaming charges in a specific market could lead to domestic price increases for the customers of the operator.

The Roaming Regulation introduced the **fair use policy** to ensure that customers only use roaming at domestic (retail) prices when periodically travelling within the EU, and to prevent 'abusive or anomalous usage' of roaming services. The fair use policy enables customers to consume volumes of regulated retail roaming services at the applicable domestic retail price. For consumption beyond the fair use policy, as in the case of permanent roaming, operators may apply a small surcharge to their clients' roaming consumption.

If an operator detects, over a four-month period, an imbalance in the roaming and domestic activity of the SIM card, where the SIM card is used more abroad in the EU rather than in the home country, the operator may contact the customer to verify it. After a period of at least 14 days, if the situation does not change, the operator may apply small roaming retail surcharges equivalent to the regulated wholesale price caps: 3.2 cents per minute of a voice call made; 0.76 cents per minute of a voice call received (as defined by Commission Implementing Regulation (EU) 2020/2082); and 1 cent per SMS. The sum of the domestic price with the roaming surcharge may not exceed the roaming fees in place in the first quarter of 2016.

While a customer is using their mobile device in roaming mode, there are no roaming-specific volume restrictions on voice calls and text messages. However, in some cases there is – for contracts with open data bundles (such as unlimited mobile data or very cheap mobile data) or for prepaid contracts – a safeguard limit on the volumes of data that one can consume abroad in the EU at the domestic price. The data roaming limit should cover 'the normal usage patterns of most travellers'. If a customer reaches the limit, the operator can apply surcharges. The maximum level of these surcharge has been gradually lowered: from €4.5 per GB +VAT as of 1 January 2019; €3.5 per GB + VAT as of 1 January 2020; €3 per GB + VAT as of 1 January 2021; to €2.5 per GB + VAT as of 1 January 2022.

An operator may [obtain](#) a sustainability derogation from its national regulatory authority (NRA) in exceptional and specific circumstances, for instance, to avoid an increase in domestic prices. To obtain the derogation, the operator must demonstrate that it is not able to recover its 'actual and projected costs of providing regulated roaming services without increasing the domestic prices. The NRA 'may authorise the operator to apply a small roaming surcharge for one year. In order to prolong such an authorisation the operator must renew its application yearly'.

Body of European Regulators for Electronic Communications

The Body of European Regulators for Electronic Communications ([BEREC](#)), together with the Agency providing support to BEREC, was established in Riga, Latvia, on the basis of [Regulation \(EU\) 2018/1971](#) (OJL 321, 17.12.2018), with the aim of ensuring that 'the EU has a functioning single market for electronic communications'. BEREC provides advice to the EU institutions, both on request and on its own initiative.

BEREC has prepared two sets of guidelines to ensure that roaming rules are applied equally across the EU/EEA territory:

- BEREC Guidelines on Regulation (EU) No 531/2012, as amended by Regulation (EU) 2015/2120 and Commission Implementing Regulation (EU) 2016/2286 ([Retail Roaming Guidelines](#));
- BEREC Guidelines on Regulation (EU) No 531/2012, as amended by Regulation (EU) 2015/2120 and by Regulation (EU) 2017/920 ([Wholesale Roaming Guidelines](#)).

BERES has also published several opinions and inputs, among which: [BEREC input](#) on EC request for the preparation of the legislative proposal for the new roaming regulations, June 2020; and [BEREC opinion](#) on the functioning of the roaming market, as input to the Commission's evaluation, June 2019.

BEREC has published seven international roaming benchmark data reports for the following periods: [October 2019 – March 2020](#); [April 2019 – September 2019](#); [October 2018 – March 2019](#); [April 2018 – September 2018](#); [October 2016 – March 2017](#); [October 2017 – March 2018](#); and [April 2017 - September 2017](#). BEREC has also published four reports on transparency and comparability of international roaming tariffs: on [5/12/2019](#), [6/12/2018](#), [7/12/2017](#), and [25/11/2016](#).

Regional roaming agreements

Western Balkans countries

Based on the regional roaming agreement (RRA) signed on 4 April 2019 in Belgrade, the citizens of the Western Balkans countries (Albania, Bosnia and Herzegovina, Kosovo,³ Montenegro, North Macedonia and Serbia), can profit from lower charges while using their mobiles abroad in the region as of [1 July 2019](#). The savings for around 17 million citizens are significant, as call costs were reduced eight times and data costs dropped on average from €3/MB to €0.20/MB. A further reduction was introduced on 1 January 2020, and the RLAH rule will start applying in the region as of 1 July 2021. The [RRA](#) is part of the EU Strategy for the Western Balkans, in particular the [Digital Agenda for the Western Balkans](#). The process of reducing roaming charges has been gradual, e.g. 'in 2016, Montenegro, Serbia, Bosnia and Herzegovina and North Macedonia [agreed](#) to require companies to reduce roaming fees for consumers traveling between the four countries'. BEREC has already published two reports on roaming in the Western Balkans.⁴

Eastern Partnership countries

The Eastern Partnership (EaP) / Eastern Neighbourhood countries – Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine – [agreed](#) the principles of a future common RRA in Vilnius, Lithuania on 12 November 2019. The agreement, which is expected to be signed in early 2021, will seek to harmonise and drastically reduce international roaming prices among them. At the same time, an ongoing EU-funded study aims to explore the options and possibilities for cutting roaming tariffs among EaP and EU regions (see also the answer by Thierry Breton of 25 June 2020 on behalf of the Commission, in the section on selected written questions by MEPs).

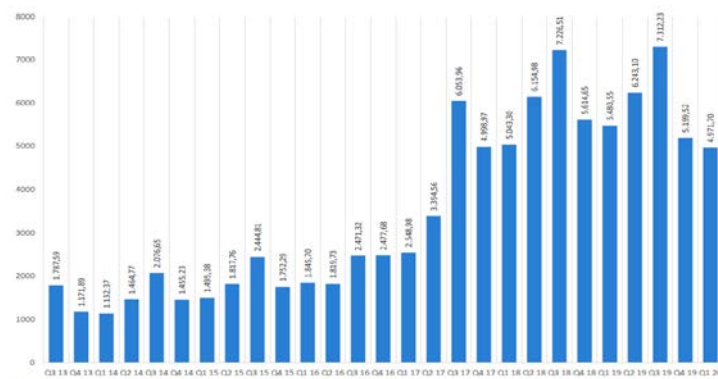
A [study](#) on Harmonising international roaming pricing and reducing roaming tariffs among the Eastern Partnership countries, prepared for the Commission and published in December 2017, showed among others that 'in order to give [EaP countries'] national Regulators the power to impose a reduction of roaming tariffs and to monitor the evolution of the roaming market, the EaP Countries will need to modify their domestic telecommunications regulatory frameworks'.

In its September 2019 [opinion](#) marking the 10th anniversary of the Eastern Partnership, the European Economic and Social Committee (EESC) also supported the idea of ending roaming charges with EaP countries.

Roaming with the United Kingdom after its departure from the EU

The roaming rules ceased to apply in the UK with the country's departure from the EU on 1 January 2021. Consequently, RLAH is no longer guaranteed in the UK. However, some operators from both sides of the Channel have announced that they intend to maintain 'roam like at home' pricing for the UK. Four main

Figure 2: EU/EEA average: Roaming calls traffic (millions of minutes), third quarter 2013 – first quarter 2020



The EEA average includes United Kingdom operators' data until Q3 2019, but not for the last two quarters.

Source: [International Roaming, BEREC Benchmark Data Report, October 2019 – March 2020](#).

UK mobile operators (Three UK, Vodafone, O2 and BT's EE) said they would not start charging customers for roaming in the EU from 1 January 2021, and some Dutch mobile operators (T-Mobile, KPN and Vodafone) indicated that they would continue to offer 'roam like at home' pricing for customers visiting the UK beyond 1 January 2021.

European Commission reports

Implementation of the Roaming Regulation

On 12 December 2018, the Commission published a [report](#) on the implementation of Regulation (EU) 531/2012 on roaming on public mobile communications networks within the Union, as amended by Regulation (EU) 2015/2120 and Regulation (EU) 2017/920 (COM(2018) 822).⁵ The report was prepared as per the provisions of Article 19(3) of the regulation, requiring the Commission to submit 'an interim report summarising the effects of the abolition of retail roaming charges' by 15 December 2018.

The interim report pointed out that the application of the RLAH rule since 15 June 2017 triggered a significant increase in roaming consumption: 'travellers now use on average almost 4 times more data while roaming than before RLAH.... They also call on average about 1.7 times more while roaming than before the implementation of RLAH'. The biggest increase in roaming consumption was observed by Polish, Romanian, Bulgarian, Croatian and Spanish operators for voice (a more than threefold increase), and for data consumption by Bulgarian, Croatian, Czech, Polish, Spanish and Latvian operators (increases by about 10 times and more).

Most mobile operators have implemented fair use policies (FUP); FUPs were more extensively used by operators from outbound countries than from inbound countries (94% vs 80%).⁶ Statistically (with exceptions), as regards tourist flows within Europe, countries from northern Europe are outbound countries, while countries from southern Europe are inbound countries. Since 15 June 2017, sustainability derogations have been granted 14 times for mobile network operators (MNO)⁷ and 30 times for mobile virtual network operators (MVNO).

The Commission report, echoing the BEREC report, also concluded that the RLAH rules had significantly contributed to stimulating the demand for roaming services and the development of the international roaming market in the EU/EEA.

The report also pointed out 'the overall success of the RLAH reform over the first 18 months, showing in particular that the demand for mobile consumption while travelling in the EU/EEA had rapidly and massively increased since RLAH was introduced'.

Fair use policy and sustainability derogation measures

In June 2019, the Commission [published](#) a staff working document (SWD) on the findings of the review of the rules on roaming fair use policy (FUP) and the sustainability derogation laid down in Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 ([SWD\(2019\) 288](#)).

To evaluate the application of FUP and the sustainability development measures, in March 2019 the Commission, together with BEREC, launched a survey among EU/EEA NRAs, MNOs and MVNOs. The

survey elicited responses from the NRAs of the then 28 EU Member States and from the NRAs of Norway and Liechtenstein (EEA) as well as from 91 MNOs and 89 MVNOs. The survey showed that a majority of operators applied the FUP (86 % in total, of which 95 % MNOs and 78 % MVNOs), and that respondents found the FUP measures necessary. However, permanent roaming subscribers represented only about 1 % and 0.85 % of all active subscribers of MNOs and MVNOs respectively. At the same time, the share in roaming data traffic subject to a surcharge in excess of FUP was in the range of 2 % to 4 %. Overall, FUP measures were good for operators, although they entailed some costs and complexity.

Operators also suggested some improvements, e.g. to measure only roaming use and not presence abroad for the purposes of the four-month window control mechanism, while others suggested to shorten the four-month window. A few respondents asked for the reduction, or even abolition, of the two-week alert period before applying the surcharge (for more details see Section on 'Fair use of roaming and sustainability derogation measures'). Outside the FUP, some respondents asked to further reduce the wholesale roaming price caps, which are outside the scope of the FUP rules.

According to the Commission document, 'fraudulent use of SIM cards in voice and/or SMS messages in the EU/EEA has been observed by 24% of operators (34% of MNOs and 15% of MVNOs)'.

The sustainability derogation mechanism was granted to 14 MNOs (from Estonia, Finland, Latvia, Poland and Romania) and to 30 MVNOs (from Austria, Belgium, Denmark, Finland, France, Italy, Latvia, Poland, Slovenia and Spain) in the first year of the RLAH year and to 30 MNOs (from the same countries as before) and to 23 MVNOs (from Austria, Belgium, Finland, France, Italy, Latvia, Poland, and Slovenia) in the second year of RLAH. In the second year of RLAH, no new derogation, other than the renewal of already granted derogations, was granted. In general, operators applying to their NRA for derogation measures did obtain them. NRAs confirmed in the survey that there is no need to amend Regulation (EU) 2016/2286 for the purposes of clarifying the text on the sustainability derogation. In its opinion on the roaming market, BEREC pointed out that sustainability derogation 'has been a useful tool for some operators to achieve the overall sustainability of the RLAH'. In the same time, the Commission/BEREC report showed that 'the sustainability derogation mechanism has been relevant only for a small and shrinking part of the market overall in the EU/EEA'.

Roaming market

On 29 November 2019, the Commission published a report on the review of the roaming market ([COM\(2019\) 616](#) and [SWD\(2019\) 416](#)). The report confirmed the findings presented in the two reports mentioned above: 'the RLAH reform has been successful and met its objective to unleash the so far untapped roaming consumption'. The report underlined the massive growth in roaming consumption (the latest BEREC data can be observed in Figures 1 and 2). However, the report also pointed to the fact that many EU citizens continue to abstain from using their mobile devices while abroad 'in order to avoid incurring mobile roaming charges'.

In relation to the roaming market, the report stressed that 'competition dynamics on the wholesale and retail roaming markets have not changed – and are not expected to change – to the extent that the roaming rules can be lifted in the coming years'. The report also pointed out that the Commission should 'take the necessary steps, including legislative measures, to ensure that Europeans continue to benefit from roaming without surcharges in the coming years and that wholesale markets are working well'. The report pointed to a decline in wholesale roaming prices, particularly for data services, and attributed this trend to the effect of the Roaming Regulation rules and growing market competition. Nevertheless, the BEREC report, cited by the Commission, suggested that 'there is some room for further reducing the wholesale caps...' In line with the opinion previously expressed by BEREC, the Commission report concluded that, based on the stable number of complaints there was no particular evidence on differences between data speeds provided to travellers in comparison to services provided at home, while also noting that there was a lack of transparency about the number of operators with regard to the data. The report suggested implementing measures to increase transparency.

The review of the Roaming Regulation

The Commission plans to review the Roaming Regulation (EU) 531/2012 amended by Regulation (EU) 2015/2120 with the aim of extending its term. The Roaming Regulation is due to expire on 30 June 2022.

Inception impact assessment

On 9 April 2020, the Commission published an [inception impact assessment](#), informing about its plans to review the Roaming Regulation 'to ensure the continuation of the RLAH framework in order to maintain benefits it has brought to European consumers and businesses, especially SMEs', while at the same time assessing 'possible amendments to the current rules, which would make them better fit for purpose'.

The review will take both the customers' and the mobile operators' perspective into account. From the customers' perspective, the Commission will look at the following issues: a) the substantial risk of losing the benefits of RLAH after June 2022; b) the lack of transparency on quality of service (Qu's) and RLAH quality; c) the seamless access to emergency services (the 112 European emergency number); d) the lack of transparency regarding higher prices for value-added services; and e) ways to enable consumers to fully benefit from machine to machine communication (M2M). From the mobile operators' perspective, the Commission will look at: a) regulated wholesale price caps necessary to sustain RLAH provisions; b) ways to facilitate M2M; c) difficulties in effectively combating fraud; d) the insufficient use of separate sale of data roaming.

The Commission inception impact assessment notes that, even though roaming charges for users of mobile devices in the EU/EEA ended in June 2017, 'market conditions do not yet appear to guarantee that this scheme can continue without regulatory intervention, so the rules need to be extended beyond their current expiry date of 30 June 2022'.

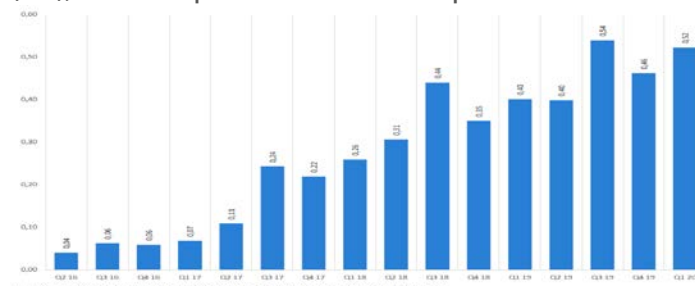
The Commission received 11 [opinions](#) on the document, with issues raised about the functioning of the 112 emergency number, the need to further investigate fraudulent use, the deployment of 5G technologies and new services such as VoLTE and VoWiFi, and M2M communication, among others.

Public consultation on the review and prolongation of the Roaming Regulation

Between 19 June and 11 September 2020, the Commission ran a [consultation](#) process with the aim of reviewing and extending the term of the Roaming Regulation. The results of the consultation would contribute to the Commission's impact assessment of the legislative proposal, hence the Commission's particular interest in opinions of 'mobile operators and their associations, citizens, consumer associations, national regulators, government authorities, civil society organisations, businesses and experts'.

The Commission shared the [summary report](#) of the consultations to which there had been 175 [respondents](#) from 26 countries (108 EU citizens and two non-EU citizens, five consumer organisations, 10 business associations, five public authorities, three NGOs, 42 company/business organisations of which 25 were mobile network operators or representing them, nine mobile virtual operators or their representatives and eight trade or other business stakeholders (e.g. verticals, SMEs)). The summary report pointed out the overall success and effectiveness of the Roaming Regulation, with citizens being particularly satisfied: '96% of the citizens strongly agree (87%) or agree (9%) that they can enjoy the

Figure 3: EU/EEA average consumption per month per total number of roaming subscribers in gigabytes (GB), second quarter 2016 – first quarter 2020



Source: [International Roaming, BEREC Benchmark Data Report, October 2019 – March 2020](#).

benefits that the Regulation aims to bring'. What is more, '89% of the 175 respondents agree that EU intervention has had a positive effect in ensuring that roaming users do not pay excessive roaming prices in the EU/EEA compared to what could be achieved by Member States themselves. 48% think that the Roaming Regulation has been significantly effective in the development of the Digital Single Market, while 27% think it has been moderately effective'. Satisfaction with the emergency services (112 number) while in roaming is also positive, with 41% of respondents saying it works well and 54% not voicing an opinion. The report also pointed out that 54% of respondents agreed with the statement that wholesale price regulation is necessary for the provision of RLAH at retail level in line with the domestic charging model. At the same time, 46% of respondents considered that the wholesale roaming access obligation under the current regulation is sufficient to ensure that access is given to 4G and 5G for wholesale roaming and 31% did not agree with that opinion.

2018 Eurobarometer survey shows EU citizens are satisfied with the end of roaming charges, but ask for more detailed information on the RLAH rules (e.g. data roaming limits) to be made easily available

Almost half (46%) of the respondents to the Eurobarometer survey of May 2018 travelled to another EU country during the 12 months preceding their participation in the survey. Sixty two per cent of respondents were aware of the RLAH rules as of 15 June 2017, a surprising drop by 9% since the previous Eurobarometer survey (of August 2017). Almost seven in 10 (69%) respondents thought that they, or someone they knew, had benefited or would benefit personally from the rules.

The 2018 survey also showed a rise in the use of mobile phones in roaming compared to the time before 15 June 2017. This was as regards: a) mobile Internet on mobile phones from 26% to 34%; b) text messages on mobile phones from 26% to 33%; and c) voice calls on mobile phones from 20% to 26%.

However, 53% of travellers restricted their mobiles use while abroad; with almost 27% switching off data roaming on their phones, 20% activating a special data roaming plan offered by their network operator, and 12% switching off their mobile phone and not using it at all. Additionally, 6% (no change in time) used a SIM card of the country they were visiting.

Source: [The end of roaming charges one year later](#), Flash Eurobarometer 468, May 2018.

European Parliament position / MEPs' questions

During the current parliamentary term (2019-2024), there have been no parliamentary resolutions on the Roaming Regulation.

Selected written questions by MEPs

Written question by Emmanouil Fragkos (ECR, Greece), [20 July 2020](#)

Greece was ranked as the least competitive country in both the EU and the OECD in terms of its mobile phone charges. With only three mobile phone operators, costs are on average double those in countries with four mobile phone operators. The situation in Greece resembles an oligopoly as defined in Article 101(1) TFEU. The abolition of roaming charges has meant, among other things, that visitors who are customers of mobile service providers in other EU countries pay far lower charges in Greece than do local customers of Greek service providers. The Members asked 1) if the Commission had the tools to deal with this situation, e.g. was there any incentive for other phone companies to enter the Greek market to boost competition; 2) given that Greece's geography and, in particular, its insularity, could present a challenge for mobile phone operators and result in higher charges for customers, were there any tools available to overcome these obstacles at the local and the regional level, such as infrastructure-building ones; 3) if the Commission identifies the existence of an oligopoly, what other action does it intend to take.

Answer given by Commission Executive Vice-President, Margrethe Vestager, on behalf of the Commission, [30 October 2020](#)

1) The EU regulatory framework for electronic communications provides tools for the national regulatory authorities to address competition problems in their telecoms markets. In 2019, the Greek regulator (EETT) obliged the two mobile network operators (MNOs), Cosmote and Vodafone, to provide wholesale access to their network to the fixed network operator Forthnet as a mobile virtual operator (MVNO). Therefore, a new MVNO may enter the Greek market in the future. 2) The Commission acknowledged that while significant progress has been made in reducing the cost of network deployment, certain inefficiencies persist. For this reason, on 18 September 2020 the Commission adopted the [recommendation on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the Covid-19 crisis in the Union](#). 3) It was also pointed out that the existence of an oligopoly is not an infringement of EU competition law by itself, but the Commission 'remains vigilant in monitoring European markets, enforcing competition rules and safeguarding the implementation of the regulatory framework for electronic communications'.

Written question by Maria Grapini (S&D, Romania), [30 April 2020](#)

The Covid-19 crisis has had a profound impact not only on the EU Member States but also on the EaP countries, and the very high cost of telecommunications services compared with average earnings in the region is a major barrier to connectivity with the EU. Given the presence of roaming rules in the EU, the MEP asked if the Commission would not consider it necessary to introduce them in the EaP countries as well 'in order to boost public confidence in the European project and forge closer political and social ties between the two regions'.

Answer given by Thierry Breton on behalf of the Commission, [25 June 2020](#)

International mobile roaming services play an important role in facilitating economic and social interactions, both for trade and travel. Reducing retail roaming charges among the six EaP partner countries will contribute to increased citizens' welfare, choice and mobility on all sides. The Commission has been supporting the EaP partner countries through technical assistance and capacity-building in their endeavour to conclude a regional roaming agreement with each other by the end of 2020. Once this agreement is in place, retail, wholesale and international mobile termination rates will be reduced gradually during a five-year transition period, allowing for necessary market adjustments. At the end of the transition period in 2026, retail prices for consumers of roaming services in the EaP region are expected to be lower by 87 % (as compared to 2020 prices). In addition, the Commission is now ready to launch a study to explore the possibility of a common international roaming space, including the economically sustainable reduction of roaming tariffs, between the EaP countries and the EU. This study is expected to be completed in the Q1 2021 and to provide the basis for further reflexion on this complex issue.

Written question by Lefteris Christoforou (EPP, Cyprus), [7 November 2019](#)

In view of the operation of the RLAH rule in the EU, the fact that EU citizens still have pay huge bills while making calls to destinations outside the EU and that the EU needs to decide what arrangements would apply to the United Kingdom (UK) after its withdrawal from the EU, the Member asked how the Commission was planning to establish the same mobile telephone arrangements for communications with third countries as for those within the EU and how Brexit would affect EU-UK mobile telephone charges.

Answer given by Mr Breton on behalf of the Commission, [21 January 2020](#)

Calls to a third country do not fall within the scope of Regulation (EU) 2015/2120, because they terminate on networks outside EU jurisdiction. Consequently, the Commission cannot establish the same arrangements for communications with third countries as for those within the EU. As for the future relations with the United Kingdom, EU rules in the field of electronic communications will no longer apply to the UK after its withdrawal from the EU or after the transition period provided for in the Withdrawal

Agreement, should the latter enter into force [the wording in the answer reflects the developments as of the moment it was given]. For instance, the prohibition against charging more than the caps for regulated intra-EU communications would no longer apply to providers operating in the UK whenever their customers are communicating with a subscriber in the EU, or to providers operating in the EU whenever their customers are calling or sending an SMS to the UK. Nevertheless, providers operating in a Member State will remain subject to the obligation in [EU] law to inform their customers about their prices.

Petitions

Between 2013 and 2019, the European Parliament (EP) received 15 petitions (eight from Germany, four from Italy, one from Austria, one from Denmark and one from Hungary), related to e.g. roaming fees calculation and roaming data limits. The Commission replied to seven petitioners. The same seven petitions were also considered by the EP Committee on Petitions. All cases are now closed.

Citizens' enquiries

Between 2018 and 2020, there were five citizens' enquiries related to the Roaming Regulation, from Romania, Spain, the Netherlands, Bulgaria and France. Three of them pointed out the lack of proper information from operators to customers on charges, particularly surcharges, one focused on the difference in tariffs plans for roaming and non-roaming customers, and one concerned technical aspects linked to one of the operators.

European Consumers Organisation's opinion

The European Consumers Organisation (BEUC), in its consultation position [paper](#) on the review and prolongation of the term of the Roaming Regulation, recommended to 'prolong and review EU roaming rules with consumer interests at heart', and especially: a) to continue roaming rules; b) to move forward towards a real EU digital and telecoms single market; c) to introduce targeted amendments to improve rules about transparency, cut-off limits, quality of service and functioning of the wholesale market, and to allow consumers to truly roam like at home. BEUC also pointed out that the internet of things (IoT) is not limited to machine-to-machine communications (M2M) and that therefore wholesale access should also cover IoT. Consumers should be able to use their IoT devices seamlessly across the EU/EEA.

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ENDNOTES

- ¹ Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (Text with EEA relevance), OJ L 310, 26.11.2015, pp. 1–18, as amended.
- ² Wholesale roaming charges are charges that a customer's home operator pays to a mobile operator in the visited country for mobile data used by the customer while roaming abroad using services provided by the operator in the visited country. Retail charges are charges paid by a customer to their home operator for using mobile data in roaming. The caps on wholesale and retail charges are set by the roaming regulations.
- ³ This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence¹.
- ⁴ BEREC Report on Western Balkan Roaming, October 2019 – March 2020 and BEREC Report on Western Balkan Roaming, October 2018 – September 2019
- ⁵ Report from the Commission to the European Parliament and the Council on the implementation of Regulation (EU) 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union, as amended by Regulation (EU) 2015/2120 and Regulation (EU), 12 December 2018 ([COM\(2018\)822](#)).
- ⁶ The report further specifies that 'an outbound country has mobile subscribers who consume more mobile services abroad than those consumed by the subscribers from foreign countries in that country. In other words, an outbound country "sends" out more roaming traffic abroad than it receives roaming traffic from abroad on its own mobile networks. Conversely, an inbound country has a population of mobile subscribers who consume less mobile services abroad than those consumed by the subscribers from foreign countries in that country'.
- ⁷ A [Mobile Network Operator](#) (MNO), a carrier service provider, a mobile phone operator or a mobile network carrier, is a telecommunications service provider organisation that provides wireless voice and data communication for its subscribed mobile users. The MNO owns the complete telecom infrastructure for hosting and managing mobile communications between the subscribed mobile users and both users in the same network and users in external wireless and wired telecom networks. Any mobile network provider who does not own the infrastructure is a Mobile Virtual Network Operator (MVNO).

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eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

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