

The Consumer Voice in Europe

REVIEW AND PROLONGATION OF THE EU ROAMING REGULATION

BEUC recommendations for the trilogue negotiations



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Why it matters to consumers

Roaming fees are now history thanks to EU rules and this means that consumers no longer pay through the roof when they cross a border. Consumers frequently travel across Europe and they need to use their mobile devices to work, stay in touch or watch content online. It is essential for consumers to be able to continue using their devices and services wherever they are in the EU/EEA as if they were at home, without having to worry about borders or incurring disproportionate roaming costs. This is only possible if current rules are maintained, and targeted amendments are made to solve identified shortcomings.

Summary

'Roam Like at Home' has been a EU-wide success story for consumers and businesses alike. EU regulatory intervention at retail and wholesale level made this change possible. While the continuation of roaming rules should not be questioned, targeted amendments should be introduced to improve rules about transparency, cut-off limits, quality of service, functioning of the wholesale market and should allow consumers to truly roam like at home. Moreover, the EU must seize the opportunity to take another decisive step towards a true single market for digital and telecommunications services by abolishing price differences between national and intra-EU communications.

As the proposal to prolong and review the EU roaming rules enters the final legislative stage, BEUC recommends that legislators go the extra few steps to ensure that they are not simply a continuation of the status quo but an improvement for consumers. In particular:

1. Guarantee the same quality of service abroad as at home
2. Protect consumers from inadvertent connections to networks of non-EU/EEA countries or to non-terrestrial networks
3. Lower wholesale price caps to bring them as close as possible to the real wholesale costs
4. Limit the application of "fair use" policies to actual abuses and determine the phasing out of such policies
5. End surcharges for intra-EU communications
6. Improve transparency of and access to value-added services as well as access to emergency services

For more information, you can find our [position paper](#) and our most recent [factsheet](#) online.

Recommendations

1. Guarantee the same Quality of Service abroad as at home

Consumers should be guaranteed the same quality of service abroad as at home when the same quality level is available in the country visited and its technical infrastructure allows such quality. When roaming, consumers should not be treated differently from domestic customers. Transparency obligations alone about quality-of-service limitations in the country where the consumer is roaming will not ensure that consumers enjoy the same quality as back home.

Therefore, we recommend supporting **the European Parliament amendments to Article 3(1)**, to ensure the same quality of service “when available and technically feasible on the visited network”, while clarifying that “commercial practices that result in intentionally or fraudulently preventing wholesale roaming access are prohibited”; as well as the EP amendments to **Article 5(2)** that guarantee “an instant and seamless handover between mobile communications networks at internal Union borders”.

2. Protect consumers from inadvertent roaming near external borders and when travelling on boats or planes

Providers should take **necessary measures to protect consumers from inadvertently connecting** to networks of non-EU/EEA countries or to non-terrestrial networks (e.g., when travelling on boats or planes) in order to avoid bill shocks for consumers. Current rules do not apply when travelling on boats or planes, and charges for non-terrestrial roaming services are significantly higher than other types of roaming services. Therefore, the inclusion of non-terrestrial networks in the scope of the Regulation is important.

BEUC also supports the introduction of **additional transparency and information requirements and cut-off limits, as well as opt-in or opt-out mechanisms**. Such measures would already go a long way to address the long-standing issue of bill shocks, which keep being reported to both national regulatory authorities and consumer organisations from countries that border non-EU/EEA countries and countries with a long coastline.

In particular, BEUC welcomes the **Council mandate proposal on articles 14 and 15** to protect consumers from paying roaming charges for inadvertently accessing non-terrestrial networks on board aircraft and vessels, and its advocating for the right of consumers “at any time easily and free of charge to opt-out from the use of such networks” and to “require the roaming provider to enable access again”. However, the current proposal only covers non-terrestrial networks, which would only address part of the problems. It is important for consumers to cover **inadvertent roaming** both near external borders and when travelling on boats or planes, as well as to go beyond mere transparency obligations. BEUC therefore recommends supporting the **European Parliament amendments concerning articles 14 and 15, and recitals 4, 43, 45, 46, 50a, 59 and 63**, which provide a more transversal approach to the question of inadvertent roaming for both terrestrial third-country networks and non-terrestrial networks.

In addition, prices for calling, texting, or uploading/downloading data when traveling outside of the EU are so high as to be prohibitive, with the upper limit of these roaming charges being exponentially higher than in the EU/EEA. Therefore, BEUC also recommends supporting the **European Parliament amendment¹ to Recital 50**, encouraging the European Commission to include 'Roam Like at Home' provisions in future **international agreements with non-EU/EEA countries**, in particular third countries directly bordering the EU, and bilateral agreements between operators in the Union and in third countries "with the aim of minimising costs on the wholesale and at the retail level".

3. Lower wholesale price caps

Wholesale price caps (the maximum price telecom providers can charge each other when their customers use their phone abroad), have an impact not only at wholesale level, but also on retail prices. BEUC supports the **European Parliament amendments² to articles 10 to 12** which lower these price caps, on average, almost by half the current amounts for calls, SMS texts and data.

This is in line with the available evidence. BEREC data shows that the costs at wholesale level are far below the caps introduced in 2018. BEREC's supplementary analysis on wholesale roaming costs indicates that "*the maximum unit costs for voice roaming services are 40 % lower than the price cap imposed, and the minimum unit costs are 60 % lower than the cap applicable in the first half of 2022*". Regarding SMS roaming services, BEREC calculates a 70 % difference between the imposed wholesale cap and "*the maximum and minimum costs for SMS*".³

4. Limit the application of "fair use policies" to address actual abuse, progressively phase out their application

The application of fair use policies should be limited to address actual abuse. As a matter of principle, to genuinely benefit from 'Roam Like at Home', there should be few exceptions to allow a real Single Market of communications. So far, telecom companies have made limited use of fair use policies. As the European Commission's report on the review of the roaming market showed, "the proportion of customers who actually exceed the limits of any fair use policy remains very limited".⁴

To keep things this way and ensure they are applied only in case of real abuse, BEUC supports the **European Parliament amendment⁵ on Article 6(1)** which further specifies the cases in which fair use policies apply: "abusive, **fraudulent**, or anomalous usage".

¹ Amendment 19, European Parliament Report on the proposal, ITRE Committee, Doc. A9-0286/2021, available at https://www.europarl.europa.eu/doceo/document/A-9-2021-0286_EN.html

² Amendment 42 to 44.

³ BEREC supplementary analysis on wholesale roaming costs, 19 September 2019, available at https://berec.europa.eu/eng/document_register/subject_matter/berec/opinions/8756-berec-supplementary-analysis-on-wholesale-roaming-costs

⁴ Available at <https://digital-strategy.ec.europa.eu/en/library/commission-report-review-roaming-market>, page 8.

⁵ Amendment 35.

Moreover, the use of fair use policies to limit 'Roam Like at Home' should only be a temporary measure to transition into a fully 'Roam Like at Home'-based market. Therefore, we recommend supporting **European Parliament amendments⁶ on Article 8(1) and (5)**, which enshrine that the **general application of fair use policies should be progressively phased out**.

5. End surcharges for intra-EU communications

High prices for intra-EU communications continue to represent a barrier to the functioning of the internal market. Intra-EU communications can be defined as any number-based interpersonal communications service originating in the Member State of the consumer's domestic provider which terminates at any fixed or mobile number of another Member State (e.g., international calls). Establishing a true Digital Single Market for telecommunications services requires removing the differentiation between national and intra-EU communications.

Following the end of roaming charges in the EU, surcharges for intra-EU communications stand out as a **problematic and unjustified practice from a consumer perspective**. The EU addressed this issue with the introduction of price caps in 2018. The logical and necessary next step is to remove any differentiation between national and intra-EU communications. The price for intra-EU communications should, as a principle, be the same as for national communications.

The Single Market must also **work for consumers, not just companies**. For a consumer, it does not make sense to pay a higher cost when placing a call or sending a text message to someone in another EU Member State. Higher prices discourage consumers from using traditional telecoms services for intra-EU communications and especially penalise those who are more vulnerable due to difficulties accessing an internet connection or being less "tech savvy" when it comes to the use of the new digital means of communication.

BEUC thus recommends supporting the **European Parliament proposal⁷** to introduce a ban on retail surcharges for intra-EU communications unless operators demonstrate the existence of direct costs that are objectively justified. However, this exception is not to be abused, and should rely on appropriate safeguards: BEREC should produce guidelines on the general principles to determine what exemptions may qualify for the non-discrimination rule, as proposed by the Parliament. We also support the proposed additional safeguard for the European Commission and national regulatory authorities to closely monitor that operators respect the criteria when their prices are discriminatory.

These provisions should be introduced in **Regulation (EU) 2015/2120**, as proposed by the European Parliament, which was already amended in 2018 to introduce price caps for regulated intra-EU communications.

⁶ Amendments 37 and 38.

⁷ Amendments 18 and 71, Amendment 15 of IMCO committee opinion.

6. Improved transparency and access to value-added services, as well as access to emergency services

Under a true Single Market without roaming costs, consumers roaming within the EU/EEA should expect to pay the same amount for value-added services and emergency services as domestic customers. Moreover, consumers roaming within the EU/EEA should pay the same price as at home when resorting to value-added services from their home country.

At a minimum, providers should be responsible for clearly informing customers about specific pricing, both upfront and free of charge, whenever they use value-added services. Therefore, we would support more ambition and flexibility from the Council mandate on this issue.

BEUC **supports the European Parliament amendments to Article 14(1) and recital 36,** with the purpose to strengthen transparency requirements for value-added services, as well as **Amendments 20 and 45 on recital 52, Article 13(1)** to improve access to emergency services, in particular which “provide access to clearly identifiable means of emergency services without any additional charges”.

END



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