

Roaming Regulation review

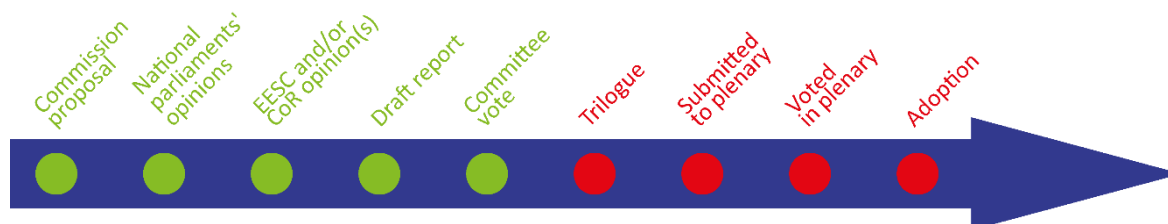
OVERVIEW

The Roaming Regulation established the 'roam like at home' (RLAH) rule that mandated the end of retail mobile roaming charges as of 15 June 2017 in all EU Member States and EEA countries. The regulation is currently in force until 30 June 2022. The application of the RLAH rule has been a success, boosting the use of mobile devices while travelling to other EU/EEA countries. For instance, the use of data roaming increased 17 times in the summer of 2019 compared with the summer preceding the abolition of roaming surcharges. However, in 2020, owing to the pandemic, the number of travellers across the EU decreased along with the need for roaming.

Nevertheless, five years after its implementation, the Commission needs to review the Roaming Regulation, with a view to extending the roaming market rules by 10 years. The Commission is also seeking to continue lowering wholesale roaming charges, improve the quality of roaming services offered to travellers, and provide access to all available network generations and technologies and improved transparency, including free access to emergency services and information on any cost incurred accessing value added services, among other things.

Within the European Parliament the file has been allocated to the Committee on Industry, Research and Energy (ITRE). The committee report was adopted on 14 October 2021, and the mandate for trilogue negotiations approved in plenary the following week.

Roaming on public mobile communications networks within the Union (Recast)		
<i>Committee responsible:</i>	Industry, Telecommunications, Research and Energy (ITRE)	COM(2021) 085 24.1.2021
<i>Rapporteur:</i>	Angelika Winzig (EPP, Austria)	2021/0045(COD)
<i>Shadow rapporteurs:</i>	Robert Hajšel (S&D, Slovakia) Izaskun Bilbao Barandica (Renew, Spain) Jordi Solé (Greens/EFA, Spain) Paolo Borchia (ID, Italy) Evžen Tošenovský (ECR, Czechia) Marisa Matias (The Left, Portugal)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Trilogue negotiations	



Introduction

According to a 2020 [Eurobarometer survey](#), half the Europeans who owned a mobile phone had travelled to another EU country in the past two years. Thanks to the [current rules](#), EU roaming¹ charges ended on 15 June 2017 and, since then, almost 170 million citizens have been able to enjoy the roam like at home (RLAH) regime, paying the same domestic roaming prices, and the benefits of staying connected while travelling in the European Economic Area, which comprises the EU and three additional countries: Iceland, Liechtenstein and Norway, which have also adopted the system. The application of the Roam like at Home (RLAH) rule has been a success, with far more people using mobile devices when travelling to other EU/EEA countries. For instance, data roaming usage increased 17-fold in the summer of 2019, as compared to the summer before the abolition of roaming surcharges.

The rapid increase in roaming traffic since June 2017 shows that the end of roaming charges unleashed untapped demand for mobile consumption by travellers in the 27 EU Member States, as well as in Iceland, Liechtenstein and Norway, at least until the pandemic slashed the number of trips and travellers across the EU.

Nevertheless, the mobile communications market remains fragmented in the EU, with no mobile network covering all Member States. In order to provide their customers with mobile services when travelling within the EU, roaming providers have to purchase wholesale roaming services² from, or exchange wholesale roaming services with, operators in the Member State visited. For the abolition of retail roaming charges to be sustainable throughout the EU, national wholesale roaming markets need to be competitive and enable operators to offer retail roaming services without any charges in addition to the domestic price.

The pandemic has further highlighted the importance of robust, high-speed digital infrastructures. The next generation of mobile technology, such as 5G, is increasingly being deployed for this purpose, and it is also important to consider that these fast speed networks should be accessible when abroad. According to [Eurobarometer data](#), when travelling abroad in the EU, 33 % of people said that they experienced lower mobile internet speed than they usually have in their home country and 28 % that the network standard was lower than at home (e.g. 3G instead of 4G).

Existing situation

The EU Roaming Regulation has been amended several times. Since 2006, the EU has been taking action to address the high roaming charges paid by consumers for using their mobile phones when travelling abroad in another EU Member State. Regulatory measures adopted by the co-legislators in 2007, 2009 and 2012 introduced binding maximum retail and wholesale roaming surcharges. Benchmarking data from the Body of European Regulators for Electronic Communications (BEREC) for the 2007-2015 period show that the evolution of both retail and wholesale prices was very closely aligned to the retail and wholesale price caps set by the various EU roaming regulations.

As of 15 June 2017, Roaming Regulation (EU) No 531/2012 – amended by [Regulation \(EU\) 2015/2120](#) and [Regulation \(EU\) 2017/920](#) – established the RLAH rule, and mandated the end of retail roaming charges as of that date in the EU. In addition to abolishing retail roaming charges, price caps were defined for wholesale roaming charges, and safeguard measures were provided (fair use policy³ and sustainability derogation).⁴ The aim was to provide for RLAH in a sustainable manner, so that operators could either fully recover the costs of providing retail roaming services or at least so that the negative retail roaming margin incurred remained very small (less than 3 %) compared with their domestic profits. The regulation forms part of the EU digital single market achievements and is currently in force until 30 June 2022; hence the need for its review. This review was included in the [2020 Commission work programme](#) under the headline ambition 'A Europe fit for the digital age' addressing the specific objective 'Digital for consumers'.

Parliament's starting position

In January 2016, in its [resolution](#) 'Towards a digital single market act' 2015/2147(INI), the European Parliament voted for a timely wholesale review, to deliver the end of roaming charges for all European consumers by 15 June 2017. In its [resolution](#) of 12 February 2020, Parliament stated that it was in favour of the UK continuing to apply the Roaming Regulation, for the benefit of both EU and UK citizens and in particular to facilitate the cross-border movement of people on the island of Ireland.

Council starting position

In its [conclusions](#) of 28 June 2016, the European Council asked for a swift review of the wholesale roaming market with a view to the abolition of roaming surcharges by June 2017. More recently in its [conclusions](#) of 9 June 2020, Council called on the Commission to review the Roaming Regulation, to come forward with recommendations to the Member States to reduce the costs of network deployment and facilitate the roll-out of very high capacity infrastructures, including fibre and 5G.

Preparation of the proposal

Article 19 in the Roaming Regulation required the Commission to assess the effects of the abolition of retail roaming charges, including on the basis of BEREC reports and opinions and if appropriate, accompany it with a legislative proposal. The review has been prepared in line with these requirements. The following data, analysis and studies were used to underpin the review:

- data submitted by operators on roaming developments at retail and wholesale levels. These are based on a dedicated questionnaire, which is run [by BEREC](#) and the national regulatory authorities (NRAs) twice a year. More specifically, it includes data on volumes of roaming traffic (retail and wholesale), wholesale roaming revenues, wholesale roaming rates and information on wholesale roaming contracts;
- annual online surveys of public mobile (virtual) network operators (MVNOs), mobile network operators (MNOs) and NRAs, which are jointly run by the Commission and BEREC. The survey gathers information on the implementation of fair use policy, of the sustainability derogation, as well as other elements;
- analysis of the operators' data collected [for both](#) the BEREC benchmark exercises and the BEREC international roaming benchmark reports and the analysis of the data collected by the Commission;
- [BEREC's opinion](#) on the functioning of the roaming market (June 2019) and a [supplementary cost analysis](#) (September 2019);
- an [external study](#) commissioned to AXON partners to estimate the costs of providing wholesale roaming services in the EU/EEA. The study was conducted between March 2018 and June 2019;
- the [Flash Eurobarometer Survey 468](#), on the end of roaming charges one year later, published in June 2018;
- an [analysis](#) made across 207 websites of telecom operators in the EU in 2017. It concluded that for 34 telecom operators out of 207 (16.7 %) the charging policy for roaming within the EU was not clearly explained to consumers;
- an [external study](#) commissioned from WIK Consulting on technological and market developments that might have an impact on the roaming market. The purpose of the study was to assess the availability and quality of service (QoS) of alternatives to regulated retail voice, text and data roaming services, in particular in the light of technological developments. The study was conducted between December 2018 and June 2019;
- a report conducted for the European Commission on [mobile broadband prices in Europe](#) looking at the level of domestic retail mobile prices in EU Member States and

a number of non-EU countries. For the purpose of cross-country comparisons, the study uses the standard mobile internet usage baskets defined by the Organisation for Economic Co-operation and Development (OECD);

- the European Parliament's [study](#) 'Roaming: One year after implementation'. It acknowledges its benefits to the retail roaming market and makes certain recommendations focusing mainly on the wholesale regulation, including adjusting the wholesale caps;
- the [staff working document](#) (SWD) on the findings of the review of the rules on fair use policy and the sustainability derogation laid down in Implementing Regulation (EU) 2016/2286 published on 28 June 2019;
- a [JRC study on roaming performance](#), which has carried out field measurements on mobile broadband while roaming on 40 networks in 13 countries to measure among other things QoS. This is based on the measurement of data speed on domestic and roaming services using the same SIM cards in a number of Member States. According to the study customers of 21 mobile networks from 11 countries had worse QoS in roaming at least once compared to at home, even when technical conditions were available for better quality. Such cases accounted for 25 % of all roaming instances in the tests.

Review report

On 29 November 2019, the Commission published a [report](#) on the review of the roaming market. The report underlined the massive growth in roaming consumption, but could not have anticipated or considered the negative impact of the pandemic on travelling in 2020. Nevertheless, the report did point out 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.

In line with the BEREC opinion, the Commission report concluded that, based on the stable number of complaints, there was no particular evidence of differences between data speeds provided to travellers in comparison to services provided at home. It also noted 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 report showed that fair-use policies, or the measures that operators can take to prevent abuse of roaming and the system of exceptional derogations to the rules, have been functioning to avoid negative effects on national markets, operators and consumers. The review also concluded that measures to regulate inter-operator prices were still necessary to ensure roaming sustainability. It further confirmed that demand for mobile services while travelling in the EU/EEA had increased rapidly since the abolition of roaming charges.

The report also assessed whether there were unintended/unexpected effects, such as for example increases in international roaming prices. The review drew conclusions on whether the EU intervention continued to be justified and confirmed that the basic competition conditions had not changed and were not likely to change to such an extent that retail or wholesale regulation could be lifted. The report also suggested some elements, clarifications and updates that could be analysed in the impact assessment on a possible legislative proposal.

Inception impact assessment

On 9 April 2020, the Commission published an [inception impact assessment](#), with details of 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 would take both customers' and mobile operators' perspectives into account. The inception impact assessment noted 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.

Impact assessment

Following the inception impact assessment report, the [proposal's impact assessment](#) (IA) was published by the Commission on 24 February 2021.

The IA identifies three problems:⁵

- 1) problems ensuring the sustainable provision of RLAH;
- 2) limitations in securing a genuine RLAH experience for end-users;
- 3) difficulties ensuring access to all network technologies and generations, facilitating innovation and avoiding misuse from the operator perspective.

The IA presents four policy options to tackle these problems, and analyses their potential impacts:

Option 1 (Baseline): the current roaming regulation would be prolonged without making any changes to the measures in place.

Option 2 (Continuity, clarifications, increased transparency and competition): this option would maintain the existing level of wholesale price caps and operators would be encouraged to trade wholesale roaming services in a non-discriminatory manner. In terms of QoS, operators would be obliged to provide roaming customers with clear information (e.g. in contracts) on the kind of QoS that can reasonably be expected. Operators should also improve end-users' awareness of available alternative means of access to emergency services. This option 2 also clarifies that the operators visited must remain technology neutral when granting access to their networks.

Option 3 (Sustainable and genuine RLAH): this is the Commission's chosen option. It would improve the sustainability of the RLAH and cost recovery by lowering wholesale roaming caps for calls, texting and data in two phases. In addition to the transparency measure in Option 2 regarding the QoS, Option 3 would also oblige home operators to provide roaming services under the same conditions as if consumed domestically (subject to technical feasibility). Regarding access to emergency services, in addition to the transparency measure in option 2, option 3 would also ensure free-of-charge access to emergency services while roaming. This option would propose the same measures as in option 2 on technology-neutral access to wholesale services.

Option 4 (Expanded wholesale obligations for an enhanced RLAH experience): this would include the same measures as in Option 3 for sustainable provision of RLAH, except that Option 4 would also mandate MNOs to pass the discounts they would get on the roaming rates to the MNVOs they host, benefiting the MNVOs in particular, as they would obtain wholesale roaming services through resale agreements (instead of bilateral negotiations). Home operators would be obliged to request the same QoS as offered domestically for all wholesale agreements.

According to the [EPRS initial appraisal](#), the IA provides a good description of the main elements of the options.

The Regulatory Scrutiny Board (RSB) gave a positive opinion of a draft version of the IA report on 20 November 2020. However, the RSB considered that the IA did not provide sufficient explanation of the risks to operators' economic viability and the rationale for choosing the wholesale price cap level. The RSB stressed the need to do more to analyse the impact of the Covid-19 crisis on the options. The RSB also found that the IA should detail the key problem more clearly in terms of its magnitude and urgency. According to the EPRS initial appraisal, the RSB's concerns appear to have largely been taken into account.

Public consultation on the review and prolongation of the Roaming Regulation

As part of its review, the Commission also ran a public consultation, from 19 June 2020 to 11 September 2020, to collect views on retail and wholesale roaming services and on the impact of prolonging these rules.

According to the related [summary report](#), there were 175 respondents from 26 countries (108 EU citizens and two non-EU citizens, five consumer organisations, 10 business associations, 5 public authorities, three NGOs, 42 company/business organisations of which 25 were mobile network operators or representing them, 9 mobile virtual operators or their representatives and 8 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 benefits that the Regulation aims to bring'. What is more, '89 % of the 175 respondents agreed that EU intervention had had a positive effect in ensuring that roaming users did not pay excessive roaming prices in the EU/EEA compared to what could be achieved by Member States themselves. Furthermore, 48 % felt that the Roaming Regulation had been significantly effective in the development of the digital single market, while 27 % believed it had been moderately effective'. Satisfaction with the emergency services (112 number) while roaming was also positive, with 41 % of respondents saying it worked well and 54 % not voicing an opinion. The report also pointed out that over half (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 was sufficient to ensure that access was given to 4G and 5G for wholesale roaming, while 31 % did not agree with that opinion.

The stakeholders appeared to have divergent views on some measures, such as lowering the wholesale caps, while transparency measures, for example, were widely supported.

The changes the proposal would bring

The Commission [proposal](#) recasts the current EU Roaming Regulation to simplify the structure of the existing provisions, while introducing several changes. Among them, the new regulation would extend the current rules, which expire in 2022, by 10 years. It would also adjust the maximum wholesale charges to ensure sustainability of the provision of retail roaming services at domestic prices, introduce new measures to increase transparency, and ensure a genuine RLAH experience in terms of QoS and access to emergency services while roaming. The main proposed amendments to the existing rules are described in more detail below.

Lower wholesale caps

The Commission proposed to continue lowering wholesale roaming charges.

	Current wholesale caps	Proposed wholesale caps	
		1 July 2022 – 31 December 2024	1 January 2025 – 30 June 2032
Voice ⁶	3.20 €cents/min	2.20 €cents/min	1.90 €cents/min
Text	1 €cents/text	0.4 €cents/text	0.3 €cents/text
Data	€3/GB: until 31 Dec. 2021 €2.50/GB: 1 January until 30 June 2022	€2/GB	€1.5/GB

The proposed rules envisage further reductions in wholesale roaming prices to allow operators to recover the cost of providing roaming services. At the same time, it preserves incentives to invest in networks and avoid distortion of domestic competition in the markets of the countries visited.

The Commission expects that the lower wholesale caps will enable more operators to provide RLAH in an economically sustainable way. The lowering of the wholesale caps should therefore result in fewer operators applying to their NRA for a derogation from providing RLAH under the sustainability mechanism.

Quality of service

The new rules proposed aim to ensure that citizens and businesses benefit from the same QoS as they do at home. This means that if they have 4G speed and increasingly 5G as part of their subscription, they should not have lower network speeds when roaming, wherever these networks are available. When it comes to 5G services, consumers will need to know that they are able to use certain applications and services while roaming. Moreover, operators in the country visited should give access to all network technologies and generations upon a reasonable wholesale roaming access request.

In addition, roaming providers should specify the QoS that can be expected when roaming in the EU in their end-user contracts.

Access to emergency services while roaming

According to Article 109 of the [European Electronic Communications Code \(EECC\)](#), the proposed regulation aims to ensure that customers who are roaming can access emergency services and benefit from caller location transmission seamlessly and free of charge, including through means other than voice calls, such as text messages or emergency applications, at any time. In addition, travellers should be informed of the means of reaching emergency services, including those designed for disabled people, in the EU country they are visiting.

Value-added services

The new roaming rules call for operators to be transparent about the potential additional costs of using VAS and thus to provide consumers with sufficient information about the increased costs they might incur. Travellers should be confident that they are able to call numbers to access value-added

services, such as technical helpdesks, customer care of airlines or insurance companies, or even freephone numbers, which may lead to unexpected charges when roaming.

No intervention on machine-to-machine (M2M) communications

The Commission sees no reason to impose specific obligations to facilitate M2M communications while roaming. It expects that operators should be able to establish flexible roaming agreements enabling wholesale roaming services and to apply tariff schemes that are not based on the volume of data consumed but on alternative schemes, for example, the number of machines connected.

Advisory committees

The European Economic and Social Committee (EESC) adopted an [opinion](#) on the proposal during its 7 July 2021 plenary session (rapporteur: Christophe Lefèvre, Workers - Group II, France). It recommends providing consumers with the same level of service and protection abroad as at home, and asks operators to alert consumers again whenever the volume set for the first alert has already been consumed. While the regulation refers to 'fair use' to describe roaming usage, the EESC regrets that it completely fails to define its limits, nor does it address fair-use policy rules for unlimited tariff plans, or the pricing of international calls, irrespective of whether the customer is roaming or not. It feels that special attention should be paid to situations where mobile devices are used in cross-border areas with non-EU countries. Likewise, the EESC is concerned by the proposal to change the way of revising maximum wholesale charges by means of a delegated act. It considers that a comprehensive legislative review should be adopted as the way forward, so that all societal aspects of roaming development are taken into account. In this sense, it considers that the views of the European Parliament and civil society organisations are important here. The Committee of the Regions (CoR) will not prepare an opinion on the proposal.

National parliaments

The proposal was open to [review](#) by the national parliaments of Member States. The deadline for the submission of reasoned opinions on grounds of subsidiarity was 19 May 2021. No reasoned opinions have been submitted

Stakeholder views⁷

Stakeholders' reactions have been divided on some issues, such as lowering the data caps: while consumers and small operators want to lower the wholesale data caps, others, including mainly large operators, want to make sure that the caps are high enough to recover all wholesale costs. A representative selection of views are provided below.

The European Consumers Organisation (BEUC) [recommends](#) prolonging and reviewing EU roaming rules 'with consumer interests at heart', and more specifically: a) continuing roaming rules; b) moving forward towards a real EU digital and telecoms single market; c) introducing targeted amendments to improve rules about transparency, cut-off limits, QoS and functioning of the wholesale market, and allow consumers to truly roam like at home. BEUC also points out that the internet of things (IoT) is not limited to M2M communications and that, therefore, wholesale access should also cover IoT. Consumers should be able to use their IoT devices seamlessly across the EU/EEA. It also recommends lowering the wholesale caps further, as this has an impact not only at wholesale level but also on retail prices.

The association MVNO Europe [shares](#) the Commission's assessment that to prolong the Roaming Regulation beyond its expiry date of 30 June 2022 is justified, as competition at wholesale level is insufficient and operators cannot sustain retail roam-like-at-home without regulated wholesale caps being in place that reflect the reality. It proposes a review of the accuracy of the glide-path (i.e. the established wholesale yearly price drops) every two years, so as to account for the efficiencies gained thanks to new network technologies (5G) and other factors.

ETNO, the European Telecommunications Network Operators' Association, [emphasises](#) that the intervention on retail prices has required extensive changes in IT and billing systems and in wholesale and retail contracts on top of increased network costs. For them, cost recovery and fair use provisions remain essential, therefore, and additional obligations should target clear market failures only.

GSMA, representing the interests of mobile operators worldwide, [regrets](#) that the European Commission is not considering a review of the fair use rules, which have proved only partially effective in limiting abusive use of RLAH tariffs and which are extremely costly and complex to implement.

On the M2M communication issue, a [Vodafone commissioned report on the IoT](#) states that business customers in the IoT connectivity market are often large multinational organisations with the resources necessary to evaluate all aspects of the contracts that they are offered by competing IoT connectivity providers and arrive at commercial agreements.

Legislative process

Within the European Parliament, [the file](#) has been allocated to the Committee on Industry, Research and Energy (ITRE) (rapporteur Angelika Winzig, EPP, Austria).

On 18 March 2021, the European Commission [presented](#) the legislative proposal to Parliament's lead committee, ITRE. MEPs welcomed the proposed extension of the EU Roaming Regulation and the roam like at home (RLAH) regime for 10 years until 2032, but made several critical remarks about the level of the wholesale charges.

The ITRE draft report was published on 25 May 2021. The committee for opinion is the Committee on the Internal Market and Consumer Protection (IMCO), their opinion was adopted on 12 July 2021. The Committee on Legal Affairs gave its opinion on the use of the [recast](#) technique on 16 September 2021.

The ITRE committee adopted its report on 14 October 2021 by 67 votes to 0, and with 7 abstentions, together with a mandate to engage with the Council in informal trilogue negotiations. The mandate was approved during the 18-21 October plenary session. Council [agreed](#) its negotiating mandate on 16 June 2021. The first trilogue meeting [is expected](#) to take place on 26 October.

The committee has voted in favour of significantly lowering wholesale data roaming caps, especially regarding data, to €1/GB as a first step from 1 July 2022, compared to the Commission's €3/GB and the Council's €2.25/GB. The ITRE committee also voted to increase obligations for operators to inform users on the expected QoS levels, while requiring an explanation when these are not met. It also asks BEREC to assess the regulatory framework on an ongoing basis, to ensure access to 5G and future networks and technologies. The report also asks BEREC to set up a database on means to access emergency services in all Member States, by 31 December 2022.

Moreover, it has added in a non-binding recital that the Commission is encouraged to include RLAH provisions in future international agreements with third countries, in particular those directly bordering the Union.

The ITRE committee also voted for the abolition of retail surcharges for regulated intra-Union communications as was put forward in the [IMCO opinion](#).⁸

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Tuominen M, with Festor S., Improving roaming on public mobile telecommunications networks, [initial appraisal, EPRS](#), European Parliament, May 2021.

Negreiro M., [The wholesale roaming regulation, a precondition for roam like at home](#), legislative briefing, European Parliament, July 2017.

Negreiro M., ['Roam like at home' by default](#), EPRS, European Parliament, December 2016.

[Roaming: One Year After Implementation](#), Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, November 2018.

Schrefler L. and Lott A., [The Review of the wholesale roaming markets and the Roaming Regulation](#), implementation appraisal, EPRS, European Parliament, May 2016.

Zygierewicz A., [Roaming Regulation: EU Digital Single Market policy](#), implementation appraisal, European Parliament, February 2021.

OTHER SOURCES

[Roaming on public mobile communications networks within the Union](#), (recast) 2021/0045(COD), Legislative Observatory (OEL), European Parliament.

ENDNOTES

- ¹ Roaming, as defined by the Roaming Regulation, is a service that allows a customer (consumer or business) of a public mobile (virtual) network operator (MVNO) in one EU/EEA country to have access to mobile services (voice, text or data) from a mobile network operator (MNO) when travelling in another EU/EEA country.
- ² Wholesale prices are what operators charge each other for using their networks.
- ³ According to the Commission, 'a mobile operator can apply a fair use policy on regulated retail roaming services, provided at the applicable domestic retail price, to prevent abusive or anomalous use by roaming customers'.
- ⁴ According to the Commission, the sustainability derogation: is 'a measure of the Roaming Regulation intended to forestall any risk of domestic price increases. It allows an operator to impose a small surcharge to roaming traffic on an exceptional and temporary basis. It is authorised by the National Regulatory Authority (NRA), when an operator demonstrates that the provision of roaming services without the application of a surcharge would not be sustainable with its current domestic charging model' The threshold justifying a request for the derogation is a negative roaming margin of 3 %.
- ⁵ See IA part 1, pp. 10-18.
- ⁶ The roaming surcharge for incoming voice calls does not exceed the weighted average of maximum mobile termination rates in the EU as annually determined by the Commission. This means that only outgoing calls are considered.
- ⁷ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.
- ⁸ See amendment 15/ art.5a

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