

Question for written answer E-003649/2022
to the Commission
Rule 138
Clara Aguilera (S&D)

Subject: The fair use policy applied by telephone companies could infringe consumer rights

Under Regulation (EU) No 531/2012, as amended by Regulation (EU) 2022/612 on roaming on public mobile communications networks within the Union, EU citizens do not have to pay additional charges for using their mobile phone when travelling within the Union. This is known as the 'roam like at home' scheme and means that they can use their mobile phones as if they were in their country of residence, i.e. domestic tariffs continue to apply.

However, mobile operators have adopted a 'fair use policy' in order to 'prevent abuse', whereby they can apply surcharges for data use, thereby undermining the main purpose of the regulations concerned. Moreover, mobile operators may not be providing consumers with adequate information about the conditions under which these surcharges are applied.

In the light of this situation:

1. Can the Commission clarify the scope of the 'fair use' concept?
2. Does the Commission know if consumers are receiving adequate information in this regard?
3. Does the Commission know if this 'fair use policy' is being implemented in accordance with current EU legislation?

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