



End of roaming charges in the EU in 2017: Questions and answers on fair use policy and other preparatory measures

Brussels, 22 September 2016

Questions and answers

Questions and answers on fair use policy and other preparatory measures

1. Roaming in the EU

How does roaming work in the EU?

When you travel to a foreign country and phone, text or browse with your mobile phone using your home country's SIM card, you are roaming. Your mobile phone company and the company in the country where you are travelling, work together to keep you connected, so you can make and receive mobile phone calls, write text messages, surf the web and download content.

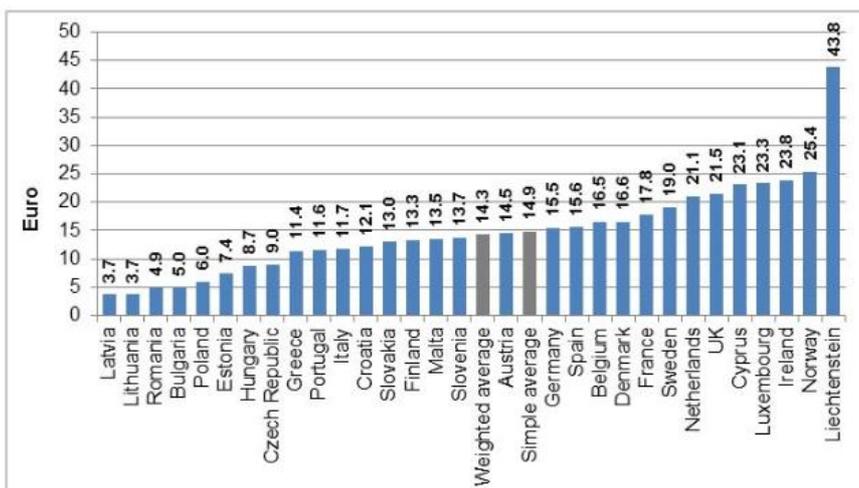
Your operator in your home country pays the operator in the foreign country because you use their networks. The price paid is called the wholesale roaming price. Wholesale prices have an impact on consumers' final bills. This is why the Commission has worked to limit them in the EU, in parallel to its work to directly limit the prices paid by the consumer (the retail roaming prices).

Europeans have different travel habits across the EU, and there are also very different domestic prices, and different network costs in visited countries. This is why finding an agreement on the end of roaming charges in the EU for European travellers was not an easy task ([press release](#)).

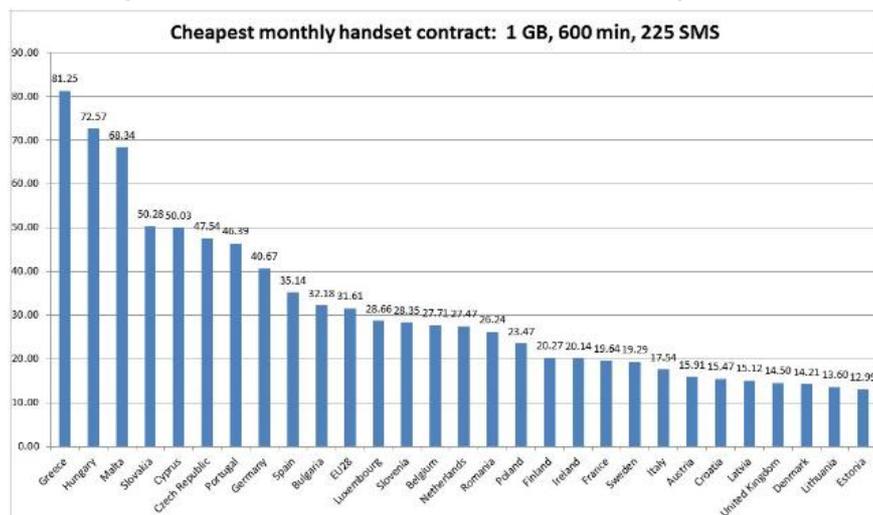
In the north and east of Europe, where domestic prices are low, operators do not want to pay the operators in countries where their customers travel more than they can recover with their domestic revenues. On the other hand, operators in countries that host a lot of tourists, like Spain, Greece and France, have an interest to be paid higher prices to be compensated for the important use of their networks. It is therefore important to strike the right balance when preparing the end of roaming charges (which will enter into effect as of 15 June 2017) (see below EU action against roaming charges).

What are the different prices for roaming and for mobile services in general across the EU?

The Commission is working towards a Digital Single Market – and has recently put forward an ambitious overhaul of EU telecoms rules to help achieve this objective ([press release](#)). However, for the time being, the reality is that telecoms markets are still very different across the EU. Consumer prices reflect different national consumption patterns, regulatory and market characteristics, including significant differences in underlying costs of running networks. For example, consumers in Latvia spend on average €3.7 a month and Irish consumers an average of €23.8 per month for using their mobile phones (based on the calculation of 'Average Retail Revenue per User' - the average revenue that a mobile operator receives from a consumer in one month for using his/her mobile phone - voice, SMS, data).



A [recent European Commission study](#) also shows that consumer retail offers vary between Member States. For example, the cheapest monthly deals offering 1GB of data, 600 minutes of calls and 225 SMS range from €81 in Greece to €12 in Estonia (Feb 2015 data).



2. EU action against roaming charges

Since 2007, the European Commission has successfully worked to reduce the consumer price of roaming, which has fallen by 92%. *This has changed the habits of many Europeans who previously used to switch their mobile phones off while travelling.* In 2013, the European Commission proposed legislation to end roaming charges for people periodically travelling in the EU. In October 2015, after long negotiations, the European Parliament and the Council agreed that this should be in place as of 15 June 2017 (see [details](#)).

As of 15 June 2017, you will be able to use your mobile device when travelling in the EU paying the same prices as at home (domestic prices). For instance, if you pay for a monthly package of minutes, SMS and data in your country, any voice call, SMS and data session you make while travelling abroad in the EU will be deducted from that volume as if you were at home, with no extra charges. This means the end of roaming charges as most Europeans experience them in their daily life.

What have been the different decreases in roaming prices?

- Since 2007, the EU has achieved retail price reductions across calls of **92%**[\[1\]](#)
- Since 2009, the EU has achieved retail price reduction across SMS of **92%**[\[2\]](#)
- Data roaming is now up to **96% cheaper** compared to 2012 when the first EU retail price cap became applicable on data roaming[\[3\]](#)
- Between 2008 and 2015, the volume of the data roaming has been multiplied by more than 100.

Regulated Roaming tariffs 2007 – 2016					
(€ excl. VAT)					
	Voicecall made	Voicecall received	SMS	Data Wholesale	Data Retail
				MB	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

What are the measures needed to prepare the end of roaming charges?

When agreeing the "Roam like at Home" mechanism, the European Parliament and Council asked the Commission to develop a number of supporting measures to make this work in practice:

- The Commission proposed in June 2016 a reform of the **wholesale roaming market**, the prices which operators charge each other for the use of their network by roaming customers. The [Commission proposed](#) to set maximum regulated wholesale roaming charges at €0.04/min, €0.01/SMS and €0.0085/MB (i.e. reduction by 20%, 50% and 83% respectively, compared to current caps on wholesale prices).
- Rules on "**fair use**" measures that operators can take to prevent abusive or anomalous usage of the system, such as systematic resale of low-price SIM cards for permanent use in other countries, to avoid negative effects on consumers.
- An **exceptional and temporary derogation system** 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 price increase for domestic customers.

The College has agreed on an approach to address these two remaining issues - fair use policies and exceptional and temporary derogations.

3. The Commission's approach to make the end of roaming work for all Europeans

What does the Commission envisage?

Mobile operators should offer their roaming services at domestic prices to consumers who **either normally reside in or have stable links to the Member State of the operator**, while those customers are periodically travelling in the EU. If necessary, operators can ask their customers to provide proof of residence or of such stable links to the Member State in question.

Who will be covered?

The draft rules that will enable all European travellers using a SIM card of a Member State in which they reside or with which they have stable links to use their mobile device in any other EU country, just as they would at home.

Examples of "stable links" include work commuters, expats who are frequently present in their home country or Erasmus+ programme beneficiaries such as students, apprentices or volunteers. Europeans will pay domestic prices when they call, text or go online from their mobile devices and will have full access to other parts of their mobile subscription (e.g. monthly data package).

For example

Lara is from Madrid, and studying in Germany via the **EU's Erasmus programme**. Although she spends two terms abroad, she returns frequently to Spain during her mid-term breaks, for family occasions and for a summer job over a number of months. Lara has a contract with her Spanish mobile phone provider which allows her to "Roam like at Home" when in Germany and pay the same price for calls, texts and data as she would at home.

- She calls her grandmother in Spain, using her Spanish SIM card while in Germany. This is considered as a roamed call, and it is not subject to roaming charges. It is like a domestic call.
- When in Germany, Laura uses her Spanish SIM card to order a pizza from the restaurant across the street from her apartment. This is considered as a roamed call and it is not subject to roaming charges.
- Lara comes back to Spain for her Mother's birthday. She uses her Spanish SIM card to call a friend in Madrid. This is a normal domestic call in Spain.

She could also use a SIM card from Germany if she wishes so, and then "Roam like at Home" when in Spain.

Jacek is a **Czech journalist who works in Italy** and takes business trips every month to Belgium, France and Denmark. He also goes back to the Czech Republic every month to see his family and to check on his apartment. He also spends all his holidays in the city where he was born.

- Since he is mostly based in Italy, Jacek has a contract with an Italian mobile phone provider. This means he can travel throughout the EU making calls, texts and going online from his mobile phone as he would do in Italy. Alternatively, he could also have a contract with a Czech operator as he has sufficiently stable links there.

Jan and Tinneke are a **retired couple from the Netherlands**. Every year, they spend May-October (6 months) at their **apartment in France**, and November-April back at home in the Netherlands. Since

they reside in the Netherlands, and have stable links to France, they can take out a mobile subscription in either country and enjoy "Roam like at Home" for which ever option suits them best.

The Johanssen **family from Malmo** going to another Member State (e.g. Spain) for **holidays two weeks in August, and traveling again at Easter** enjoys "Roam like at Home" for all the mobile devices used in the family for the entire duration of their travels in the EU.

Anja lives in **France. Every day she commutes to her office in Luxembourg** and crosses the border to return home at the end of the day. Since she is resident in France, and also has stable links to Luxembourg (work), Anja can take out a mobile subscription in either country and enjoy "Roaming like at Home" for which ever option suits her best.

Do I need to register to "Roam like at Home"?

No formal registration is required to benefit from the "Roam like at Home" mechanism. It should be included by default in all customers' mobile contracts from 15 June 2017. Operators may ask consumers to provide proof that their **home (residence)** is in the Member State of the mobile operator (in case they do not already dispose of such information for billing purposes). This could take the form of a declaration by the subscriber, a payment of local taxes, a declaration of enrolment for full-time courses, etc.

The consumer may also prove **stable links** entailing frequent and substantial presence on the territory of the Member State of the mobile operator, like an employment relationship or a registration at University.

How Europeans' personal data will be protected?

The new draft measures explicitly require the roaming providers to comply with the relevant data protection rules. The Commission has consulted the European Data Protection Supervisor and has taken his comments into account.

Will Europeans still be able to buy different SIM cards in different Member States?

Yes. EU citizens can continue to buy any other SIM card in any EU Member State and surf and call at local tariffs or roam with that card. However they might not be able to benefit from "Roam like at Home" if they are not resident in the country where they bought the card or if they do not have stable links with this country.

What will be the role of the national regulatory authorities?

As under existing roaming rules, national regulatory authorities will monitor and check if mobile operators comply with the new rules.

Are there any regulatory safeguards?

The safeguards against abuse are based on clear principles and include indicators and tools which are reasonable, non-discriminatory, transparent and respect privacy. In order to detect potential abuses, the roaming provider may perform checks of the usage patterns of customers both in their own Member State and in other Member States (control mechanism). This will be based on the information which operators already use to bill their customers.

Identifying anomalous traffic patterns may be based on the following **indicators** (open list):

- Insignificant domestic traffic compared to roaming traffic;
- Long inactivity of a given SIM card associated with use mostly, if not exclusively, while roaming;
- Subscription and sequential use of multiple SIM cards by the same customer while roaming;

Fair use policies have to be notified by the roaming provider to the national regulatory authority.

- **Fighting commercial abuses.** Abuses could be related to the mass purchase and resale of SIM cards for permanent use outside the country of the operator issuing them. In such cases, the operator will be allowed to take immediate and proportionate measures while informing the national regulator (e.g. suspension of service on the basis of breach of contractual conditions). The operator has to simultaneously notify the national regulatory authority about the evidence of the systematic abuse and the measures taken. This enables the national regulatory authority to monitor the application of that measure in accordance with the established requirements and to react if necessary.
- **Individual abuse by customers.** Roaming is for travellers. The new draft allows operators to check usage patterns to avoid the abuse of the "Roam like at Home" mechanism. A non-exhaustive list of criteria includes: insignificant domestic traffic compared to roaming traffic; long inactivity of a given SIM card associated with use mostly, if not exclusively, while roaming; subscription and sequential use of multiple SIM cards by the same customer while roaming. In such cases,

operators will have to alert their users. Only if these conditions are met, operators will be able to apply small surcharges (the Commission proposed a maximum of €0.04/min per call, €0.01/SMS and €0.0085/MB). In case of disagreement, complaints procedures must be put in place by the operator. If the dispute persists, the customer may complain to the national regulatory authority who will settle the case.

How will the regulation protect end-users?

The terms and conditions associated with a fair use policy applied by a roaming provider, including any control mechanism, have to be explained in detail in all consumer contracts. Before measures in the context of fair use policy are taken by the operator in case of an individual abuse, the customer shall be alerted that anomalous use has been detected and that they could be subject to a roaming surcharge. If the customer subject to a fair use policy measure is of the view that the measure is not justified, the customer may complain to the operator. Operators will be obliged to establish simple and effective complaint mechanisms. If the dispute persists, the customer may complain to the national regulatory authority or other competent out-of-court dispute settlement body who will settle the case.

If the anomalous traffic concerns only one service (data, for example), the surcharge should only apply to that service. Surcharges should cease once the customer justifies the change in usage or re-establishes a more regular usage pattern.

What are the next steps?

The Body of European Regulators in Electronic Communications (BEREC) will provide its opinion to the European Commission. Member States will examine the draft proposal in the Communications Committee. Following these discussions, the Commission is due to adopt the implementing act by 15 December 2016 – in time to end roaming charges for consumers who travel in the EU as of 15 June 2017.

Will the end of roaming charges increase domestic prices?

Since EU Regulations have been introduced to reduce roaming charges, domestic mobile prices have been decreasing as well. This trend is likely to continue.

A transition period has been agreed in the latest roaming Regulation (November 2015) to make the abolition of roaming charges sustainable throughout the EU without an increase in domestic prices. This transition period – starting from 30 April 2016 to 15 June 2017 – allows the necessary time to prepare the end of roaming charges.

In addition, as outlined, the Roaming Regulation includes safeguards that can be used by mobile operators to prevent, where necessary, abusive or anomalous use of roaming services, such as permanent roaming, which otherwise could be the source of distortions on domestic markets.

[1] The average European Economic Area (EEA) retail roaming price for a voice call made was 0,61 EUR/minute in the third quarter of 2007 prior to the introduction of the first cap of 0,49 EUR/minute.

[2] The average EEA retail roaming price for an SMS was 0,25 EUR/SMS in the third quarter of 2009 prior to the introduction of the first cap of 0,11 EUR/SMS.

[3] The average EEA retail roaming price for one MB of data was 1,20 EUR/minute in 2012 prior to the introduction of the first cap of 0,70 EUR/MB in 2012.

See also : [IP/16/3111](#)

MEMO/16/3164