



Information Notice

New EU mobile roaming prices and transparency measures.

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EU mobile roaming - new rules effective from 15 June 2017

More and more people are using their mobile phones abroad and in particular for data usage. From 15 June 2017, the new European Union (“EU”)¹ rules² come into effect, which will reduce the cost of mobile roaming to come in line with the cost of domestic mobile usage and to increase transparency.

The first EU Roaming Regulation was introduced in August 2007 to cap the cost of mobile phone roaming in the EU and a number of Regulations have been published since 2007 that dealt specifically with mobile roaming, with the most recent roaming regulation introducing Roam Like At Home (“RLAH”), effective from 15 June 2017.³

What is happening? - Key Changes

Up to now roaming service providers were allowed to impose an additional charge above the domestic price (a surcharge) for retail roaming usage. With the introduction of Roam Like At Home (“RLAH”) roaming service providers can no longer levy any surcharge in addition to the domestic retail price on customers using roaming services in the EU. However, there are allowed-exceptions. These exceptions include the ability to apply a fair usage policy for data, anti-abuse measures and sustainability provisions.

In addition, there are reduced out of bundle charges and transparency measures, which will help roaming customers to manage their consumption and costs. Details are explained further below.

Domestic retail price as basis for retail roaming prices.

Now, from June 15th 2017, as a general rule, roaming service providers cannot apply a charge for regulated roaming services which exceeds the price that would be incurred by their customers if they were consuming those services in their home country. This applies to voice calls, texts (SMS) and data usage.

Many consumers currently avail of the generous allowances for making on-net⁴ voice calls and a separate allowance for making off-net calls. Consumers should be aware that the new rules allow roaming service providers to treat all voice calls made as off-net when charging their customers who are roaming. Therefore, it is best to check

¹ The EU Directive comes into effect 15 June for all EEA countries (EU, Iceland, Liechtenstein and Norway)

² See Appendix 2 for details

³ Regulation 2015/2120 of the European Parliament and of the Council of 25 November 2015

⁴ On net means that the call is between consumers on the same home network.

with your roaming service provider to find out if and how this applies to your individual price plan.

From 15th June 2017 receiving a voice call while roaming is free, roaming voice calls made outside of your domestic bundle will be charged at the domestic retail price and an additional roaming surcharge can be applied by your service provider. If a roaming surcharge is applied the maximum surcharge price is 3.2 cents (+VAT) per minute, 1 cent (+VAT) per SMS.

In cases where a roaming FUP applies, if you exceed your provider's fair use data allowance, you will be charged a maximum roaming surcharge of €7.70 per GB^[1] of data (+VAT) which is less than 1 cent per MB,^[2] for usage above the FUP and up to your domestic data allowance.

If you exceed your domestic data allowance, the price of data is charged as an out of bundle charge and your service provider can apply a surcharge. Where a surcharge is applied the total sum of the domestic charge and roaming surcharge must not exceed 19c per minute for calls made, 6c per text; 20c per MB used.

What is a Fair Usage Policy (“FUP”)?

Because roaming service providers still have to pay wholesale charges to a “visited” network when their customer travels to another country in the EU, these roaming service providers are permitted to apply a Fair Use Policy for data, which can include a roaming volume limit in certain circumstances. Therefore, while an unlimited domestic data plan may not limit the volume of mobile data available to consumers in their home country, roaming service providers are permitted to restrict the volume of roaming data in accordance with a Fair Use Policy.

Some roaming service providers may decide not to apply a Fair Use Policy and thereby allow their customers to consume their full domestic data allowance while roaming. Some roaming service providers have decided to apply a fair use policy to data usage in order to prevent abusive or out of the ordinary usage of regulated retail roaming services by roaming customers.

For consumers this means that when you roam like at home roaming service providers may introduce a limit (a FUP) for data usage charged at the domestic price (or consumed from your domestic bundle).

^[1] Gigabyte

^[2] Megabyte

What is my Roaming Data Limit?

In some cases, roaming service providers are allowing you to use your full data allowance while roaming but in other cases providers are implementing a fair usage policy which limits the amount of data from your domestic bundle that you can use while roaming, without incurring an additional charge.

These limits, if implemented by roaming service providers will be determined by the type of contract (post-pay or prepay) and the data allowance that you have. Appendix 1 sets out some possible scenarios.

Each consumer should be aware of any data limits applicable when roaming as there are different scenarios which involve different calculations to determine the data limits. ComReg advises consumers to check with their roaming service provider to confirm what their roaming data allowance is in advance of travelling.

Will I be informed if there is a Fair Usage Policy?

Yes, roaming service providers are obliged to notify you of the details of the any Fair Usage Policy (FUP) that they implement.

Roaming service providers in the Irish Market have confirmed to ComReg that they have communicated relevant details to their customers.

How are charges outside my bundle or the Fair Usage Policy calculated?

It is important to note that your roaming service provider must alert you when you reach the roaming data allowed in your bundle or the roaming data limit under the fair usage policy, if applicable. However, if you agree to continue to use data while roaming you will be charged a surcharge that is calculated based on the wholesale data cap = €7.70 (ex VAT) per GB of data.

Wholesale charges

As and from June 15th 2017 there is a new limit on the wholesale charges that roaming service providers must pay each other for hosting a customer mobile roaming from another country. The wholesale cap is €7.70(ex VAT) per GB, which will reduce over time and, therefore, may result in more generous data roaming allowances being made available. As a consumer you will then be allowed to use up to twice the amount of data that the price of your retail bundle would be able to purchase at the regulated wholesale roaming rate.

Fair Usage anti-abuse measures

To prevent abuse or unusual usage of services beyond periodic travelling in the EU, roaming service providers can apply control mechanisms based on indicators for example;

- Consumption and presence criteria,
- Long inactivity of SIM card
- Subscription of multiple SIM cards by the same customer whilst roaming
- Organised resale
- Fair use concerning open bundles (examples provided)
- Pre-paid tariffs (examples provided)

Transparency and control mechanisms - what can a roaming customer expect?

Customers who are roaming will continue to get a personalised SMS Message on entry into another EU Member State. This message will have details such as price (+ VAT) of making and receiving calls and sending an SMS in the customer's bill currency, any fair usage policy and charges in excess of limits and surcharges, free of charge phone number for more information and number for emergency services.

Customers who are roaming will receive a notification when they have used the applicable fair use volume of data roaming services or any usage threshold applied. You will be asked to confirm if you wish to continue.

Customers who are roaming will receive an alert when the financial limit of €50 (ex VAT) has been reached. The financial or volume limit on data roaming consumption €50 (+ VAT) is per monthly billing period. You will be asked to confirm if you wish to continue.

Customers have the right to request and receive free of charge more detailed information from roaming service provider from anywhere in EU.

Other Offers

Roaming service providers may offer alternative tariffs which are prices that can be offered instead of the regulated "Roam Like at Home" tariff. Depending on the individual contracts these may be more favourable or not and the consumer is free to choose the tariff plan that best suits their needs.

Sustainability – what does this mean?

Roaming service providers may apply to ComReg for authorisation to apply a surcharge in specific and exceptional circumstances with a view to ensuring the sustainability of its domestic charging model. ComReg will publish further information on this aspect, as relevant.

What's happening now?

The new rules are now in force (from 15th June 2017), roaming service providers are communicating specific details to their customers, however, before travelling it is best to contact your provider directly to check your roaming allowances and related conditions.

If in Doubt . . .

Information on roaming is required to be included in the details provided when a customer signs a contract for a roaming service. Check your contract as the main characteristics of the roaming service must be set out including in particular:-

- The specific tariff plan or tariff plans and, for each tariff plan, the types of services offered, including the volumes
- Any restrictions imposed on the consumption of regulated retail roaming services provided at the applicable domestic retail price level, in particular, quantified information on how any fair use policy is applied by reference to the main pricing, volume or other parameters of the provided regulated retail roaming services concerned.

Mobile Roaming outside the EU

The cost of roaming (particularly data roaming) can be significantly higher outside the EU. Therefore, you should check prices with your roaming service provider before travelling.

Further Information

Further information is available at www.comreg.ie/roaming

How can ComReg help?

ComReg's consumer care team can assist in informing you of what your service provider's obligations are and your associated rights.

If you have a complaint about a roaming matter we advise that you raise the matter directly with your service provider, who is obliged to have complaint procedures in place, and having lodged a complaint allow 10 working days before contacting ComReg's consumer care team who will then review the issue. Where appropriate, we will escalate it on your behalf to your service provider. We will also give you a realistic idea of the likely outcome of your complaint.

How can I contact ComReg's Consumer Care team?

- By phone: (01) 804 9668 (9.00am to 5.30pm, Monday to Friday)
- By email: consumerline@comreg.ie or businessconsumers@comreg.ie
- Text so we can call you back - Send a text with the word COMREG to 51500 (standard SMS rates apply) to receive a call back
- Text so we can text you back - Send a text with the word ASKCOMREG to 51500 (standard SMS rates apply) outlining the issue to receive a text back
- By post: Consumer Line, ComReg, 1 Dockland Central, Guild St, Dublin 1 D01 E4X0
- Web Chat and online form: www.comreg.ie

APPENDIX 1 Fair Usage Policy – sample calculations

Bundle Offers - An Open Data Bundle is defined as a tariff plan which allows either “unlimited data” or for which the domestic unit price for data services is lower than the maximum wholesale roaming charge which effective 15 June 2017 is €7.70 per GB.

The following are a number of scenarios that may assist you in understanding FUP for data if applied by your roaming service provider when roaming.

	Wholesale Roaming Rate (ex VAT)	Domestic Data Allowance	Open Data Bundle/FUP Eligible If effective rate is under €7.70/GB)	Fair Use Allowance Calculation	Minimum Data Roaming Allowance
Prepay or Billpay plan with a Data Allowance €24.39 Bill Pay (=€30 incl VAT)	€7.70	Unlimited	Yes as Effective Data Rate is €0/GB	$€24.39 / €7.70 \text{ per GB} \times 2 = 6.34 \text{ GB}$	6.34GB
Prepay or Billpay plan with a Data Allowance €24.39 Bill Pay (=€30 incl VAT)	€7.70	15 GB	Yes as Effective Data Rate is €1.62/GB (€24.39/15GB)	$€24.39 / €7.70 \text{ per GB} \times 2 = 6.34 \text{ GB}$	6.34GB
Prepay Plan with No Data Allowance and a Domestic Data Rate of Less Than €7.70 ex VAT. Remaining Balance of €16.26 (€20 inc VAT) when Roaming Starts	€7.70	N/A	N/A	$€16.26 / 7.7 \text{ per GB} = 2.1 \text{ GB}$	2.1 GB

APPENDIX 2 Relevant Legislation

[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 (recast) as amended by

[REGULATION \(EU\) 2015/2120](#) of the European Parliament and the Council of November 25, 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

[COMMUNICATIONS \(MOBILE TELEPHONE ROAMING\) REGULATIONS 2013 \(AMENDMENT\) REGULATIONS 2017](#) (S.I. No. 240 of 2017)

[Communications \(Mobile Telephone Regulations\) Regulations 2013](#) (S.I. No. 228 of 2013).