



Commission for  
**Communications Regulation**

# **ComReg forms an Opinion that Tesco Mobile Limited did not comply with provisions of the Roaming Regulations**

Information Notice

**Reference:** ComReg

**Date:** 01/05/2018

1. On 15 March 2018, ComReg notified Tesco Mobile Limited (“Tesco Mobile”) of a Finding of Non-Compliance with respect to Tesco Mobile’s obligations under 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, as amended by Regulations (EU) 2015/2120 (“the Roaming Regulations”) and supplemented by the Commission Implementing Regulation (EU) 2016/2286.
2. The Notification of Non-Compliance was made in accordance with Regulation 8 of the Communications (Mobile Telephone Roaming) Regulations 2013 (as amended<sup>1</sup>) (“the Roaming Enforcement Regulations”).
3. The Notification of Non-Compliance notified Tesco Mobile of a Finding that, in relation to the Roaming Regulations, Tesco Mobile failed to comply with its obligations under Articles 6a and 6e of the Roaming Regulations.
4. In particular, in certain instances, Tesco Mobile failed to correctly calculate and apply roaming charges/surcharges to roaming data consumption.
5. The Finding related to the period from 15 June 2017 to 24 January 2018, during which Tesco Mobile overcharged Pay-As-You-Go (“PAYG”) and bill pay customers for data roaming services where the roaming customers had exceeded their roaming data allowance (calculated in accordance with Regulation (EU) 2016/2286), but remained within their overall domestic data allowance.
6. Tesco Mobile was given an opportunity by ComReg to state its views and to remedy the Non-Compliance within a reasonable period.
7. Tesco Mobile responded to ComReg on 9 April 2018. Tesco Mobile took immediate measures to remedy the Non-Compliance, to identify affected customers and to initiate refunds. Tesco Mobile was fully engaged and co-operative with ComReg throughout the investigation.
8. ComReg has formed the Opinion that Tesco Mobile was Non-Compliant with its obligations under Articles 6a and 6e of the Roaming Regulations.
9. ComReg has, however, taken account of Tesco Mobile’s response and its remedial measures and subject to the completion of all commitments received, will be taking no further action in respect of this matter.

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<sup>1</sup> By S.I. 240/2017 Communications (Mobile Telephone Roaming) Regulations 2013 (Amendment) Regulations 2017.

10. ComReg will continue to monitor compliance and investigate any matters arising with all undertakings in respect of the Roaming Regulations.