



EUROPEAN COMMISSION

*Brussels, 19.08.2021  
C(2021) 6237 final*

*Miloš VYSTRČIL  
President of the Senát  
Valdštejnské náměstí 17/4  
CZ – 118 01 PRAGUE 1*

*Dear President,*

*The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation on roaming on public mobile communications networks within the Union (recast) {COM(2021) 85 final}.*

*This proposal forms part of a broader package of ambitious measures designed to make the most out of the digital transition to enhance opportunities to connect, communicate, solve societal issues and do business. It is part of the 2020 Commission Work Programme addressing the specific objective “Digital for consumers” and has to be seen in the broader political context of creating a Europe Fit for the Digital Age.*

*The initiative is coherent with the logic of consistently addressing barriers to the Single Market, and taking actions to ensure that barriers already addressed will not re-emerge, as could be the case for the expiring roaming rules. The Roaming Regulation<sup>1</sup> expires on 30 June 2022 and its prolongation is necessary for the continuation of the benefits of ‘roam like at home’ for consumers and businesses. Without prolongation, additional barriers could emerge, limiting the seamless use of mobile services and innovative applications while travelling in the Single Market of the EU/EEA.*

*The Commission proposal aims to enable the sustainable provision of ‘roam like at home’, while enabling cost recovery for operators. It further aims to address the remaining barriers for a genuine roam like at home experience by increasing user protection through additional transparency measures for roaming providers and roaming users, as well as ensure the same quality of service for roaming services as the services used domestically. Lastly, the proposal aims to facilitate innovation by ensuring wholesale roaming access to requested network technologies.*

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<sup>1</sup> Regulation (EU) No 531/2012

*The Commission welcomes the Senát's broad support for the aims of the proposal but notes its doubts relating to the evidence supporting an intervention in terms of quality of service and information overload of roaming customers when crossing a border to another Member State.*

*The Commission is pleased to have this opportunity to provide a number of clarifications regarding its proposal and trusts that these will allay the Senát's concerns. The attached annex sets out further technical details in reply to the questions and comments raised in the Opinion.*

*The Opinion of the Senát has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Senát and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Janusz Wojciechowski  
Member of the Commission*

## Annex

*The Commission has carefully considered each of the issues raised by the Senát in its Opinion and is pleased to offer the following clarifications.*

*The Commission considers the quality of services as an integral part of the product whose price is regulated. By paying a certain price, the user has access to a given mobile service domestically. The Roaming Regulation requires that the user has access to the same service abroad in the EU/EEA for the same price, as long as such service can be delivered on the visited network. Regarding quality of service, the co-legislators required the Commission through Article 19(3) of the Roaming Regulation ((EU) 531/2012) to assess the quality of roaming services. In its review report to the European Parliament and the Council, published on 29 November 2019 (COM(2019) 616 final), the Commission noted a lack of transparency concerning quality of roaming services. The Commission also shared the view of the Body of European Regulators for Electronic Communications (BEREC) that operators may not deliberately provide lower data speed to their customers while roaming than at home. In its Opinion, BEREC (BoR (19) 101) further noted that 23 National Regulatory Authorities (NRAs) have reported that some operators provide no information about quality of service on their websites. Moreover, BEREC has reported that several NRAs have looked into quality of service, but two NRAs have taken informal action to encourage home operators not to restrict the quality while roaming. In the first case, the NRA found that there are practices in place on wholesale level, in which the home operator agrees with the visited operator to limit the maximum speed offered to roaming customers. In the other case, the NRA found that the home Mobile Network Operators (MNOs) restrict roaming services in specific countries or networks to 3G, even when their customers have 4G access at home.*

*For these reasons, the Commission's Review Report concluded that regulatory intervention is necessary to clarify the obligations on the providers related to quality of service while roaming and to increase transparency.*

*The Commission conducted a joint survey with BEREC in 2020 to gather data in the scope of the roaming revision. The survey confirmed that there are still 3G only wholesale agreements at EU level. The majority of MNOs reported that they do not have any 3G only wholesale access agreements (62% when acting as visited networks and 53.5% when acting as home networks). However, there is a substantial minority of operators where more than half of their wholesale agreements are 3G only. For 16.3% of visited operators, at least half of their wholesale agreements are 3G only. For home operators, the equivalent is 15.1%.*

*Both the public consultation (conducted between 19 June 2020 and 11 September 2020) and the joint Commission-BEREC survey confirmed that in some cases, in particular Mobile Virtual Network Operators (MVNOs), experience difficulties to get 4G wholesale access.*

*The survey also gathered data on consumer complaints. 8 out of 28 NRAs have received consumer complaints about the quality of the roaming services provided by their*

*operators when travelling abroad in the EU/EEA (total 62 complaints). Out of them, roughly, 150 operators that participated in the survey, 18% have received complaints on roaming services being limited to only 3G and 22% have received complaints on no full 4G speeds possible.*

*In the context of the review of the EU Roaming Regulation, the Joint Research Centre undertook a study (Smart 2018/0011) on roaming performance assessment by field measurements on mobile broadband involving 40 mobile networks in 13 EU countries. The study confirms that customers of 21 mobile networks from 11 countries at least once had worse quality of service in roaming 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.*

*These findings have later been confirmed by the recent Eurobarometer (2232/510). One third of Europeans have experienced that they have lower internet speed when roaming than at home. Roughly one third have experienced that they have lower broadband network standard when roaming compared to at home (for example 3G instead of 4G).*

*All the baseline data confirming the issue of quality of roaming services is presented in more detail in the Commission Impact Assessment (SWD(2021) 28).*

*Regarding the concern about information overload of roaming customers, the Commission considers that transparency measures help roaming customers make decisions on the use of their mobile devices while abroad. A roaming customer has the possibility to unsubscribe to such information. The transparency measures in the Roaming Regulation should be seen as minimum safeguards for roaming customers, and should not preclude roaming providers from offering their customers a range of other facilities, which help them to predict and control their expenditure on data roaming services.*