



# **Implementation of EU Roaming Regulation by Irish Mobile Companies**

**23rd wave of Irish and EU aggregated data  
(1 October 2018 to 31 March 2019)**

## Information Notice

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# Content

<b>Section</b>	<b>Page</b>
1. Introduction.....	3
2. Key Points .....	6
Voice calls.....	6
Text Messages (SMS) .....	6
Data .....	6
Retail Roaming Services.....	7
3. Analysis of Irish Data.....	8
4. EU Regulatory Requirements .....	13
More transparency of roaming charges for consumers.....	13
Measures to counter data roaming bill shocks.....	14
Other measures .....	14
Structural Measures.....	14
Fair Use Policy (FUP) .....	15
Roam Like at Home (RLAH) - 15 June 2017 .....	15
5. Legal Basis.....	16

# 1. Introduction

## Background

1. The third EC Regulation on international roaming services, Regulation (EU) No. 531/2012, effective on 1 July 2012, was published on 13 June 2012 (Roaming Regulation III)<sup>1</sup>. The Roaming Regulation III was amended by Regulation (EU) No 2015/2120 (Roaming Regulation III, as amended)<sup>2</sup>, to provide for the abolition of retail roaming surcharges, with exceptions, to take effect from 15 June 2017. The main provisions of Roaming Regulation III, as amended, are included in section 4 of this document.
2. The Roaming Regulation III, as amended, was further amended by Regulation (EU) 2017/920 of 17 May 2017<sup>3</sup> to reflect necessary changes to the rules for wholesale roaming markets.
3. The Body of European Regulators for Electronic Communications (BEREC) published guidelines on Roaming Regulation III in February 2013<sup>4</sup>. The BEREC Guidelines presented an update of the former ERG Guidelines on the second Roaming Regulation and were designed to explain the Regulation and were complementary to the provisions set out in the Roaming Regulation III. The 2013 guidelines were replaced when BEREC published revised guidelines on the application of the Roaming Regulation III, as amended, on 12 February 2016<sup>5</sup>. These revised guidelines are complementary to the provisions set out in the Roaming Regulation III, as amended.
4. The Commission Implementing Regulation (EU) No. 1203/2012 on the separate sale of regulated retail roaming services within the European Union was published on 14 December 2012. This lays down technical rules for the separate sale of regulated retail roaming services. From 1 July 2014, domestic service providers must inform their existing roaming customers about the possibility to opt for the separate sale of roaming services.

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<sup>1</sup> Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012.

<sup>2</sup> Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 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.

<sup>3</sup> Regulation (EU) 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets.

<sup>4</sup> BoR (13) 15 - BEREC Guidelines on the Roaming Regulation (EC) No 531/2012 (Roaming Regulation III) (Excluding articles 3, 4 and 5 on wholesale access and separate sale of services).

<sup>5</sup> BoR (16) 34 – International Roaming Regulation - BEREC Guidelines on Regulation (EU) No. 531/2012 as amended by Regulation (EU) No. 2120/2015 (Excluding Articles 3, 4 and 5 on wholesale access and separate sale of services).

5. The Commission Implementing Regulation (EU) No. 2016/2286 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment was published on 15 December 2016.
6. The 2016 guidelines were replaced when BEREC published revised guidelines on the application of the Roaming Regulation III, as amended, on 27 March 2017<sup>6</sup>. These revised guidelines are complementary to the provisions set out in the Roaming Regulation III, as amended and are also complementary to the BEREC Guidelines on wholesale roaming access and separate sale of services pursuant to Articles 3, 4 and 5 Roaming Regulation.
7. The 2012 Wholesale Roaming Guidelines were replaced when BEREC published Guidelines in June 2017<sup>7</sup> to include changes made to the Roaming Regulation, as amended, by Regulation (EU) 2017/920 of 17 May 2017 with regard to rules for wholesale roaming markets.

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<sup>6</sup> BoR (17) 56 – BEREC GUIDELINES ON Regulation (EU) No. 531/2012, as amended by Regulation (EU) 2015/2120 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines).

<sup>7</sup> BoR (17) 114 – BEREC Guidelines on Regulation (EU) No 531/2012, as amended by Regulation (EU) 2015/212 and by Regulation (EU) 2017/920 (Wholesale Roaming Guidelines).

## Publication of Data

8. The collection of data for monitoring purposes by National Regulatory Authorities (NRAs) is a requirement of the Roaming Regulation III, as amended<sup>8</sup>. The Commission for Communications Regulation (“ComReg”) was designated as the National Regulatory Authority for this purpose by the Minister for Communications, Energy and Natural Resources<sup>9</sup>.
9. Individual NRAs are required “*to monitor developments in wholesale and retail charges*” of voice and data communications services, including SMS and MMS. BEREC coordinates the regular data collection exercise from all NRAs. BEREC’s 23rd International roaming benchmark data report was published on 3 October 2019<sup>10</sup>.
10. This is the 23rd information notice published by ComReg in relation to roaming. It spans the data collection period 1 October 2018 to 31 March 2019. Data from previous periods are included for comparative purposes for all charts provided.

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<sup>8</sup> Article 16 of Regulation (EU) No 531/2012, as amended by Article 9 of Regulation (EU) No 2015/2120.

<sup>9</sup> Communications (Mobile Telephone Roaming) Regulations 2013 SI No 228 of 2013, as amended by Communications (Mobile Telephone Roaming) Regulations 2013 (Amendment) Regulations 2017 SI No 240 of 2017.

<sup>10</sup> BoR (19) 174Rev.1 – International Roaming BEREC Benchmark Data Report: October 2018 – March 2019.

## 2. Key Points

11. A comprehensive set of data was requested by all NRAs from national operators using a data collection model agreed by BEREC.
12. The following key points relate to data collected by ComReg from Irish operators for the periods 1 October 2018 to 31 March 2019 (Q4 2018 and Q1 2019). For comparison, the periods from 1 April 2017 to 30 September 2018 are also included in Figures 1 - 5 of this document.

**Note: all prices displayed exclude VAT**

### Voice calls

13. Ireland's aggregated average retail price for making calls to the rest of the world (while outside the EU/EEA) has remained below the EU/EEA average price from Q2 2017 and for the two reported periods of Q4 2018 and Q1 2019, (Figure 1).
14. Ireland's aggregated average retail price for calls received from rest of the world (while outside the EU/EEA) remains well below the EU/EEA average for the two reported periods of Q4 2018 and Q1 2019, (Figure 2).
15. Ireland's aggregated average wholesale price per minute for voice calls among Irish mobile operator's remains well below the regulated price cap of 3.2 cents from 15 June 2017. Ireland's aggregated average wholesale price per minute voice call remains much lower than the EU/EEA average for both Q4 2018 and Q1 2019, (Figure 3).

### Text Messages (SMS)

16. Ireland's aggregated average wholesale price per SMS among Irish mobile operator's remains well below the regulated price cap of 1 cent from 15 June 2017. Ireland's aggregated average wholesale price per SMS is on a par with the EU/EEA average for both Q4 2018 and Q1 2019, (Figure 4).

### Data

17. Ireland's aggregated average wholesale price per MB of data among Irish mobile operators is significantly below the regulated price cap of 5 cents per MB up to 14 June 2017.
18. From 15 June 2017 the price for wholesale data was capped at €7.70 per GB of data or €0.0077cents per MB of data. From 1 January 2018 to 31 December 2018 the wholesale price cap per GB of data was set at €6.00 or €0.006 cents per MB of data. From 1 January 2019 to 31 December 2019 the wholesale price cap per GB of data was set at €4.50 or €0.0045 cents per MB of data.
19. Ireland's aggregated average wholesale price per GB/MB of data among Irish mobile operators is below the EU/EEA average for Q4 2018 and Q1 2019 and is below the regulated caps for both periods. (Figure 5).

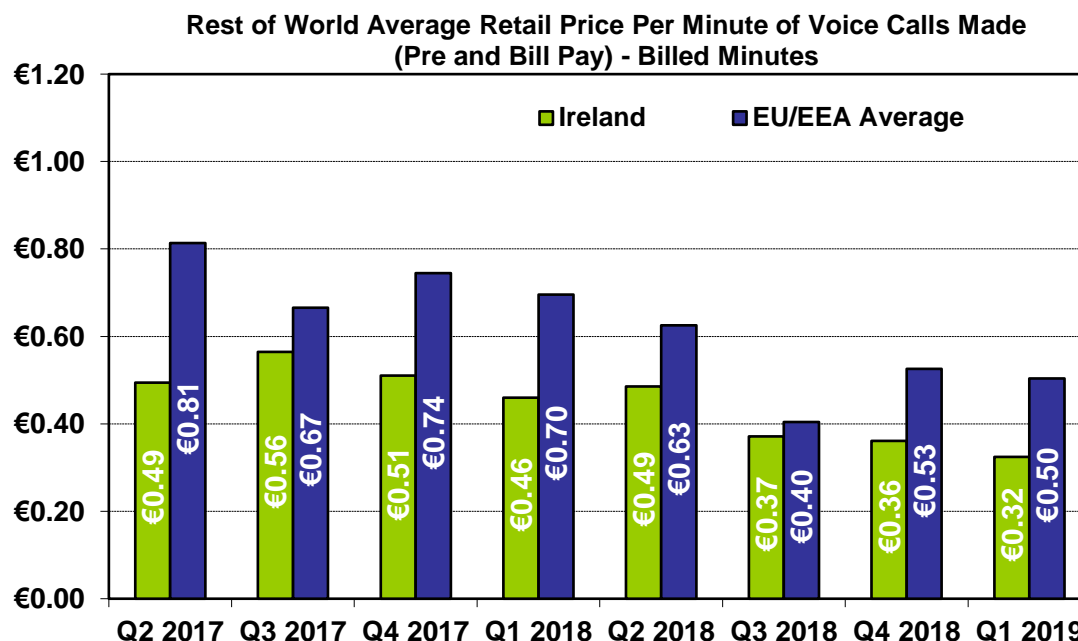
## Retail Roaming Services

20. Ireland's reported data volumes for both quarters show that RLAH traffic accounts for the vast majority of roaming tariffs (86.8% for Q4 2018 and 85.7% for Q1 2019) with alternative data roaming tariffs, as chosen by Irish consumers, representing 11% of traffic for Q4 2018 and 11.4% for Q1 2019. (Figure 6).
21. Ireland's reported calls made (minutes) for both quarters shows that RLAH traffic accounts for the majority of roaming tariffs (74.9% for Q4 2018 and 74.4% for Q1 2019) with alternative roaming tariffs, as chosen by Irish consumers, representing 24.6% of traffic for Q4 2018 and 25.2% for Q1 2019. (Figure 7).
22. Ireland's reported calls received (minutes) for both quarters shows that RLAH traffic accounts for the majority of roaming tariffs (78.9% for Q4 2018 and 78.8% for Q1 2019) with alternative roaming tariffs, as chosen by Irish consumers, representing 19.7% of traffic for Q4 2018 and 19.9% for Q1 2019. (Figure 8).

## 3. Analysis of Irish Data

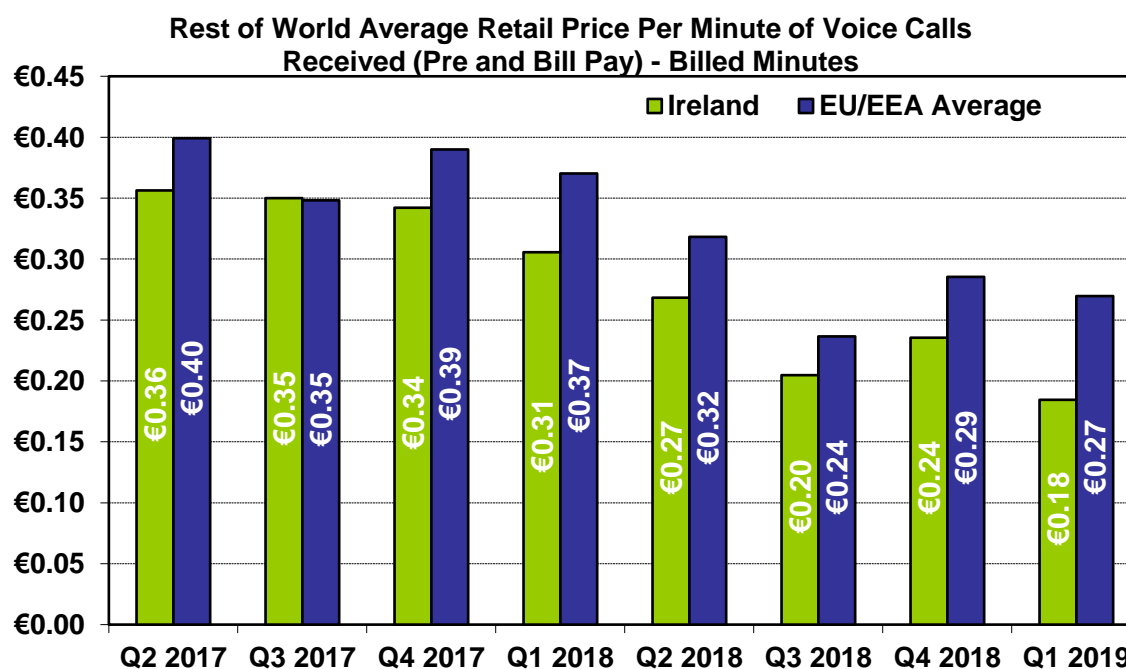
**Note: All prices displayed exclude VAT.**

**Figure 1**



Ireland's aggregated average price for making calls outside the EU/EEA (ROW) is well below the EU/EEA average for Q4 2018 and Q1 2019.

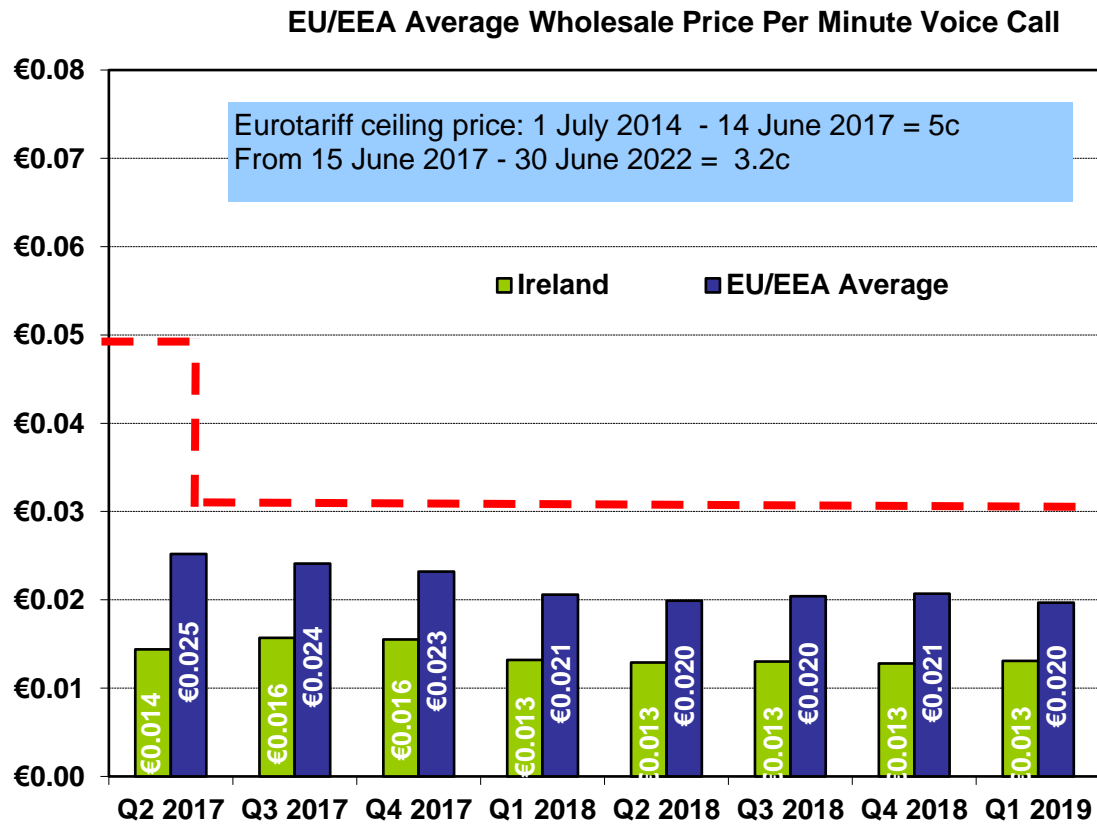
**Figure 2**



Ireland's aggregated average price for receiving a call outside the EU/EEA (ROW) is well below the EU/EEA average to ROW for Q4 2018 and Q1 2019.

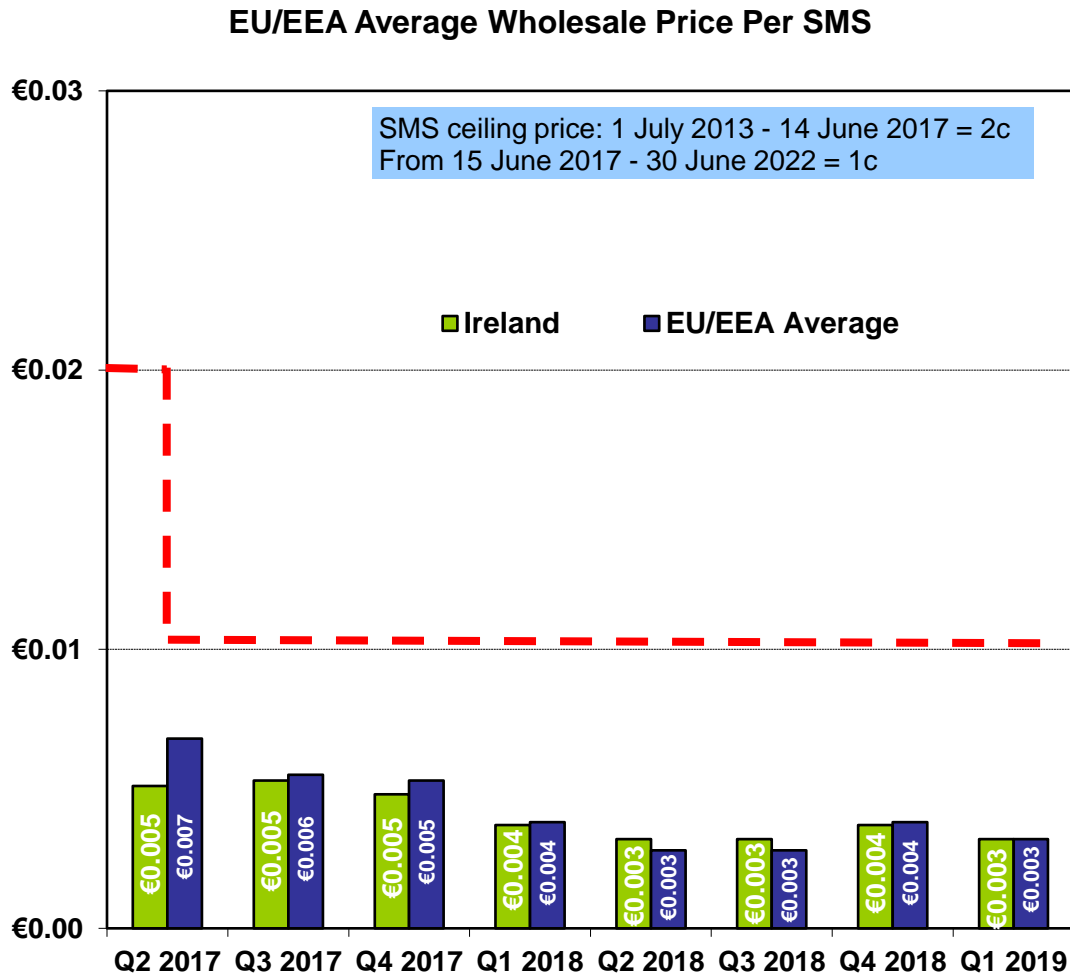


**Figure 3**



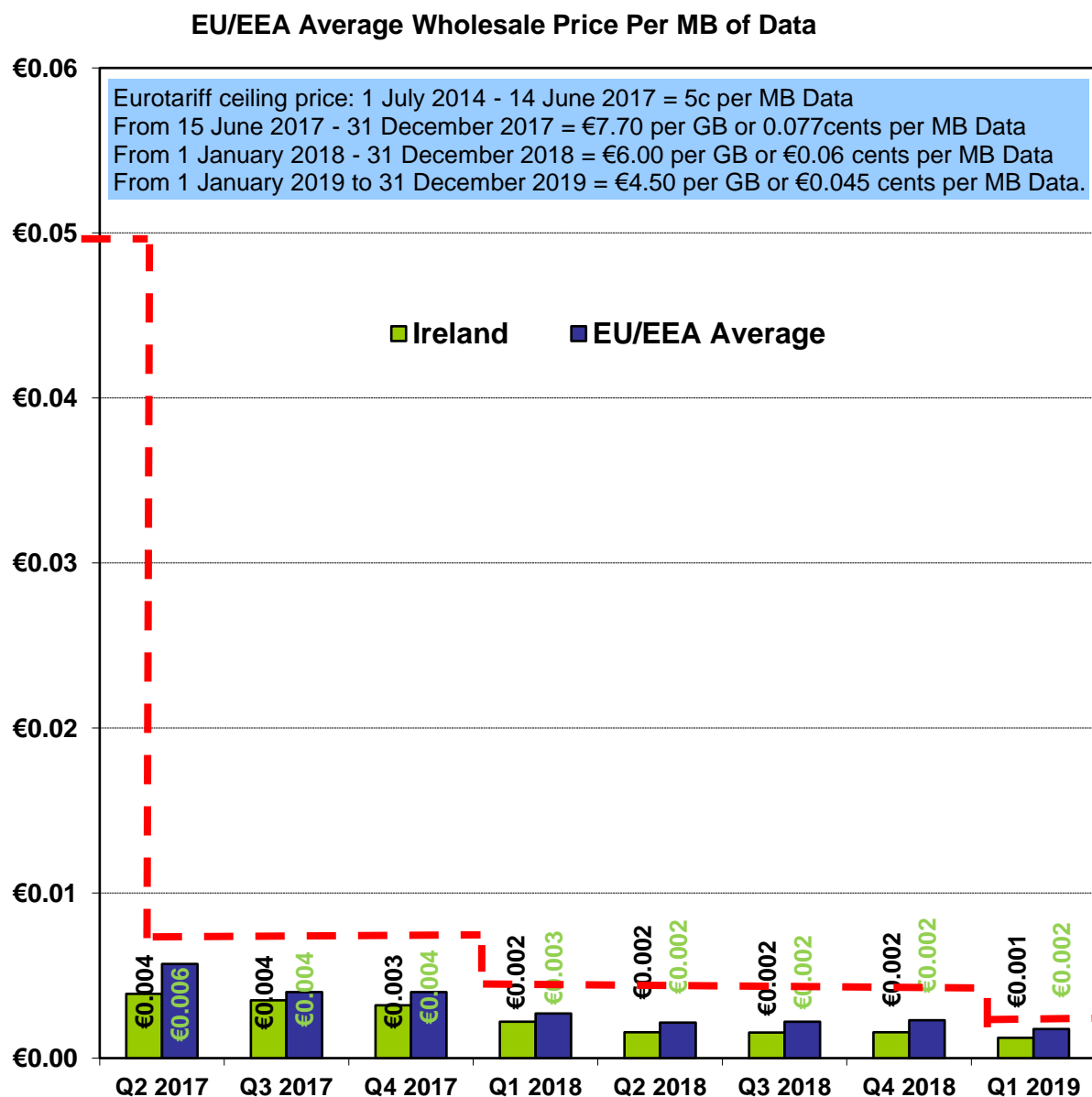
Ireland's aggregated average wholesale price per call made remains well below the cap of 3.2cents per minute and is significantly lower than the EU/EEA average for Q4 2018 and Q1 2019.

**Figure 4**



Ireland’s aggregated average wholesale price per SMS has been decreasing over all of the reported periods and is below the 1 cent per SMS cap from 15 June 2017 and is on a par with the EU/EEA average for Q4 2018 and Q1 2019.

**Figure 5**



Following the introduction of a regulated price cap in July 2009, the average wholesale price per MB of data among Irish mobile operators has declined significantly and was well below the wholesale price cap per MB of Data for all the reported periods.

From 15 June 2017 to 31 December 2017 the wholesale price cap per GB of data was set at €7.70 or €0.0077 cents per MB of data. From 1 January 2018 to 31 December 2018 the wholesale price cap per GB of data was set at €6.00 or €0.006 cents per MB of data. From 1 January 2019 to 31 December 2019 the wholesale price cap per GB of data was set at €4.50 or €0.0045 cents per MB of data.

Ireland's aggregated average wholesale price for both reported periods of Q4 2018 and Q1 2019 is below the caps and the EU/EEA average.

## Retail Roaming Services

Figure 6

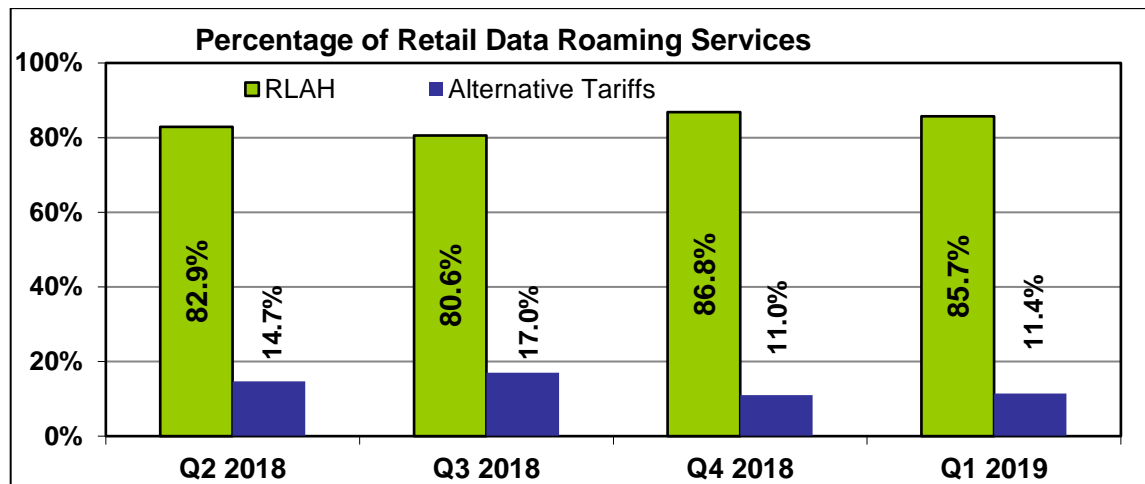


Figure 7

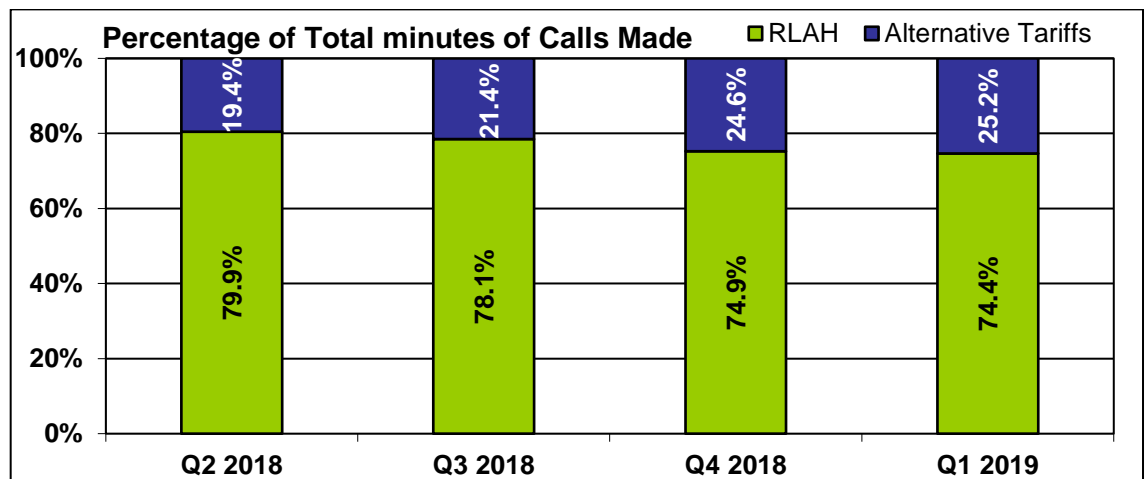
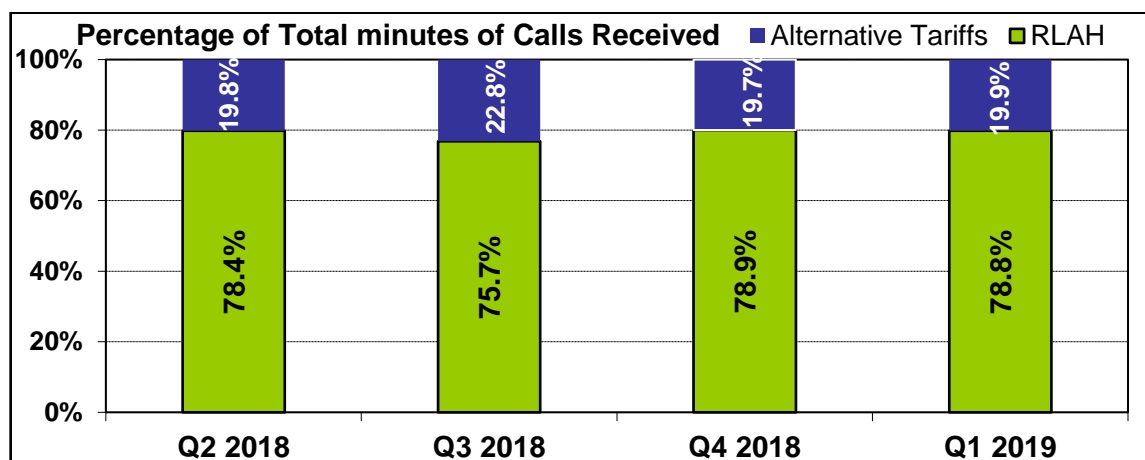


Figure 8



## 4. EU Regulatory Requirements

### Main Provisions of Roaming Regulation III, as amended

#### Voice Calls

##### Wholesale price caps

<b><u>Wholesale voice price cap</u></b> (cent per min excluding VAT)
<b>15/6/2017 – 30/6/2022</b>
<b><u>3.2c</u></b>

#### SMS

##### Wholesale price caps

<b><u>Wholesale SMS price cap</u></b> (cent per min excluding VAT)
<b>15/6/17 – 30/6/2022</b>
<b><u>1c</u></b>

#### Data

##### Wholesale price caps

<b><u>Wholesale data price caps</u></b> (€ per GB excluding VAT)					
<b>15/6/2017</b>	<b>1/1/2018</b>	<b>1/1/2019</b>	<b>1/1/2020</b>	<b>1/1/2021</b>	<b>1/1/2022</b>
€7.70	€6.00	€4.50	€3.50	€3.00	€2.50

#### **More transparency of roaming charges for consumers**

- Consumers should automatically receive an SMS, pop-up window, etc when they are crossing borders within the EU and outside the EU to inform them of basic personalised pricing information (to include VAT) that they are expected to pay for making and receiving calls, for sending an SMS and for using mobile data.
- The personalised basic information shall include information detailing the fair use policy (FUP), if any, that the roaming customer is subject to in the EU and include any specific charges relevant to the customer’s tariff scheme. The information shall also include charges which apply specifically to the customer within the EU when the FUP allowance is exceeded. Information regarding charges shall be provided by the home provider and in the currency of the home bill. A notification shall be sent to the customer when the applicable FUP allowance has been reached and shall state the regulated roaming surcharge, in addition to the

domestic charge, that will be applied for any additional consumption of regulated roaming services. Blind consumers should automatically receive the transparency message by voice call, free of charge, if requested.

- In addition a freephone number for additional information when roaming must be provided and the 112 emergency access number must also be provided in the EU message.
- Roaming providers can offer alternative roaming tariffs as an alternative to RLAH and RLAH+.

### **Measures to counter data roaming bill shocks**

- As of 1 July 2012, travellers' data-roaming limit will be automatically set at €50.00 (excluding VAT) when they travel outside the EU (unless they have chosen another limit – higher or lower or opted out of the limit or if the visited network operator in the visited country outside the EU does not allow the roaming provider to monitor its customer usage on a real-time basis).
- Roaming providers shall send a notification to the roaming customer's mobile device when the data-roaming limit has been reached. The notification shall provide information with respect to the procedure to be followed should the customer wish to continue data roaming and the costs associated with each additional unit to be consumed.
- Should the customer opt for an offer without a cut-off limit, the customer has the right to avail of a cut-off limit within one working day of such request.

### **Other measures**

- Roaming providers should make information available on how to avoid inadvertent roaming. Reasonable steps should be taken by operators to protect their consumers from paying roaming charges while situated in their member state.
- Roaming providers shall inform their customers, of the risk of automatic and uncontrolled data roaming connection and download. Roaming providers should provide information to their customers on how to switch off these automatic data roaming connections in order to avoid uncontrolled consumption of data roaming services.

### **Structural Measures**

- Structural measures will be implemented to allow consumers to contract for roaming services with an alternative provider from 1 July 2014.

### **Fair Use Policy (FUP)**

- From 15 June 2017 roaming service providers are allowed to impose a FUP on data consumption. Where data roaming consumers are subject to a FUP, if the FUP allowance is exceeded consumers will be subject to the wholesale data price caps per GB of data applicable at the time. If applicable, when the domestic data allowance is exceeded, the consumer will be charged out of bundle rates and the service provider can apply a surcharge. Where a surcharge is applied, the sum of the domestic charge and the roaming surcharge cannot exceed the applicable wholesale roaming caps.
- FUPs were introduced to protect roaming providers against consumption of excessive data roaming services. The FUP calculation is based on individual customer plans taking account of the maximum wholesale data roaming caps which are set out in Regulation (EU) 2017/920 of May 2017, which have a sliding downward scale from 15 June 2017 to 30 June 2022 and are subject to review.
- Providers are obliged to notify NRAs in relation to their FUPs.

### **Roam Like at Home (RLAH) - 15 June 2017**

- As a general rule roaming providers are no longer allowed to apply surcharges for regulated retail roaming services in addition to the domestic price from 15 June 2017. However, exceptions apply where it can be shown by the mobile network provider that it is not economically sustainable to abolish surcharges where the costs of providing regulated retail data roaming services cannot be recovered. In such circumstances the mobile network provider must apply annually for an exemption and seek approval from the NRA for a derogation from RLAH. Where the NRA approves the application for a surcharge to be applied, the surcharge allowed is subject to the applicable maximum wholesale charges which are in place at the relevant time.
- For calls received any surcharge applied shall not exceed the weighted average of the maximum mobile termination rates set annually across the EU.
- For calls made, SMS sent and data used, any surcharge must not exceed the relevant wholesale caps which are in place.
- Fixed periodic roaming tariff packages, including per diem, are allowed which contain a certain volume of regulated roaming services, on condition that the consumption of the full amount of that volume leads to a unit price for regulated roaming calls made, calls received, SMS sent and data roaming services which does not exceed the sum of the domestic retail price and the maximum applicable surcharge allowed.
- Per second billing applies to calls made and calls received. Roaming providers may apply an initial minimum charging period not exceeding 30 seconds to calls made.
- Regulated data roaming shall be charged on a per-kilobyte basis, except for MMS messages, which may be charged on a per-unit basis.

## 5. Legal Basis

23. Regulation (EU) No 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012, as amended, with regard to rules for wholesale roaming markets.
24. The Communications (Mobile Telephone Roaming) Regulations 2013 (Amendment) Regulations 2017, S.I. No. 240 of 2017, give full effect to Article 7(5) of Regulation (EU) 2015/2120.
25. Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015 lay down measures concerning open internet access and amended 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.
26. The Communications (Mobile Telephone Roaming) Regulations 2013, S.I. No. 228 of 2013, designated the Commission for Communications Regulation ("ComReg") as the national regulatory authority to carry out the functions referred to in Article 16 of the Mobile Phone Roaming Regulation (Regulation (EU) No 531/2012).
27. Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 repealed Regulation (EC) No. 717/2007 (as amended by Regulation (EC) No. 544/2009) with effect from 1 July 2012.
28. Regulation (EC) No. 717/2007, as amended by Regulation (EC) No. 544/2009, is an EC Regulation. Accordingly, its requirements are directly applicable in all Member States. In Ireland, ComReg is designated as the national supervisory and enforcement body for the purposes of Regulation (EC) No. 717/2007 (as amended).
29. Article 7 of Regulation (EC) No 717/2007 requires NRAs to monitor developments in charges and to report to the European Commission every six months. Article 7(2) requires NRAs to make up-to-date information on the application of Regulation (EC) No 717/2007 publicly available.