



Commission for
Communications Regulation

Implementation of EU Roaming Regulation by Irish Mobile Companies

**29th wave of Irish and EU aggregated data
(1 October 2021 to 30 September 2022)**

Information Notice

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1. Introduction

1. This is the 29th information notice published by ComReg in relation to the implementation of EU Roaming by Irish Mobile Service providers. It spans the data collection period 1 October 2021 to 30 September 2022.
2. Article 17 of the Roaming Regulation¹ requires NRAs to monitor and supervise compliance with the Roaming Regulation within their territory. NRAs shall make up to date information on the application of the Roaming Regulation publicly available.
3. BEREC (Body of European Regulators for Electronic Communications) has published guidance for the implementation of the amended legal provisions. The relevant legislative provisions and the BEREC guidance are included at section 5 of this document for information.

Publication of Data

4. The collection of data for monitoring purposes by National Regulatory Authorities (NRAs) is a requirement of the Roaming Regulation. The Commission for Communications Regulation (“ComReg”) was designated as the National Regulatory Authority for this purpose by the Minister for Communications, Energy and Natural Resources².
5. 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 29th International roaming benchmark data report was published on 27 March 2023³, in tandem with the associated country specific excel data report published separately.

¹ Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union.

² Communications (Mobile Telephone Roaming) Regulations 2013 S.I. No. 228 of 2013 (as amended by Communications (Mobile Telephone Roaming) Regulations 2013 (Amendment) Regulations 2017 (S.I. No. 240 of 2017), as amended by the European Communities (Mobile Telephone Roaming) Regulations, 2022 (S.I. No. 315 of 2022).

³ BoR (23) 61 – BEREC International Roaming Benchmark Data and Monitoring Report.

2. Key Points

6. The 2022 Roaming Regulation reduced the burden of MVNOs and roaming providers in outbound roaming countries. The price regulation of roaming services was extended and a glide path was introduced to further reduce the caps for voice, SMS and data roaming services. In addition to confirming the measures contained in the previous Roaming Regulation, the 2022 Roaming Regulation extended the transparency measures by requiring roaming providers inform end users when roaming on non-terrestrial networks, as well as including information on potential additional charges which can be incurred when using value-added services. A requirement was introduced to offer the same QoS to roaming subscribers as is available at home, provided the network is technically capable of doing so in the visited country. Additionally, a requirement to provide information about local options in the Welcome SMS was added due to the lack of harmonisation of means of access to emergency services for disabled end users.
7. Based on the aforementioned changes, the format of the data collection exercise also changed significantly to increase efficiency and to ensure uniformity in the data collection process across BEREC countries. As a result the previous separate International Roaming Benchmark Report and the separate Transparency and Comparability Report were structurally merged into one report.
8. A comprehensive set of data was requested by all NRAs from national operators using a data collection model as agreed by BEREC.
9. The following key points relate to data collected by ComReg from Irish operators for the periods 1 October 2021 to 30 September 2022 (Q4 2021, Q1 2022, Q2 2022 and Q3 2022). For comparison, the periods from 1 October 2020 to 30 September 2021 are also included in Figures 1 - 8 of this document.

Note: all prices displayed exclude VAT

Impact of COVID-19 on usage of roaming services

10. The roaming market has recovered considerably since the the Covid-19 restrictions on travelling at the end of Q1 2020. However, the ratio of roaming subscribers and of calls made is still below pre-pandemic levels for the period of this report. While data consumption has increased from pre-pandemic levels, it can be noted that domestic data traffic has also increased.⁴

⁴ See BEREC Report Main Findings, pages 9 & 10 “[Intra-EEA roaming consumption patterns](#)”.

Impact of Brexit on data for roaming services

11. The Brexit process should also be noted with respect to variations in Intra-EEA roaming consumption patterns. From Q4 2019 roaming traffic by UK operators were excluded. Also, from Q1 2021 all UK roaming data were excluded from the “EEA” category but included in the ‘Rest of World’ (RoW) category⁵.

Voice calls

12. Ireland’s aggregated average retail price for making calls to the rest of the world (roaming outside the EU/EEA) has remained below the EU/EEA average price from Q4 2020 and for the four reported periods of Q4 2021, Q1 2022, Q2 2022 and Q3 2022, (Figure 1).
13. Ireland’s aggregated average retail price for calls received from rest of the world (outside the EU/EEA) remains below the EU/EEA average for the four reported periods of Q4 2021, Q1 2022, Q2 2022 and Q3 2022, (Figure 2).
14. Ireland’s aggregated average wholesale price per minute for voice calls among Irish mobile operator’s⁶ remains well below the regulated price cap from 15 June 2017 of 3.2 cents and below the regulated price cap from 1 July 2022 of 2.2 cents, (Figure 3).

Text Messages (SMS)

15. Ireland’s aggregated average wholesale price per SMS among Irish mobile operator’s remains below or on a par with the regulated price cap of 1 cent from 15 June 2017 for three of the reported quarters and below the regulated price cap from 1 July 2022 of 0.4 cents for Q3 2022, (Figure 4).

Data

16. From 1 January 2021 to 31 December 2021 the wholesale price cap per GB of data was set at €3.00 or €0.0030 cent per MB of data.⁷

From 1 January 2022 to 30 June 2022 the wholesale price cap per GB of data was set at €2.50 or €0.0025 cent per MB of data.

From 1 July 2022 to 31 December 2022 the wholesale price cap per GB of data was set at €2.00 or €0.0020 cent per MB of data.

⁵ See Figure 7 of this Information Notice.

⁶ The increase observed for the Ireland aggregated average for Q1 2022 is as a result of timing issues – this effect has been notified to BEREC.

⁷ Previously, from 1 January 2020 to 31 December 2020 the wholesale price cap per GB of data was set at €3.50 or €0.0035 cent per MB of data.

17. Ireland's aggregated average wholesale price per GB/MB of data among Irish mobile operators is below the regulated cap for Q4 2021, Q1 2022, Q2 2022 and Q3 2022 and is on par with the EU/EEA average for the reported periods, (Figure 5).

Retail Roaming Services

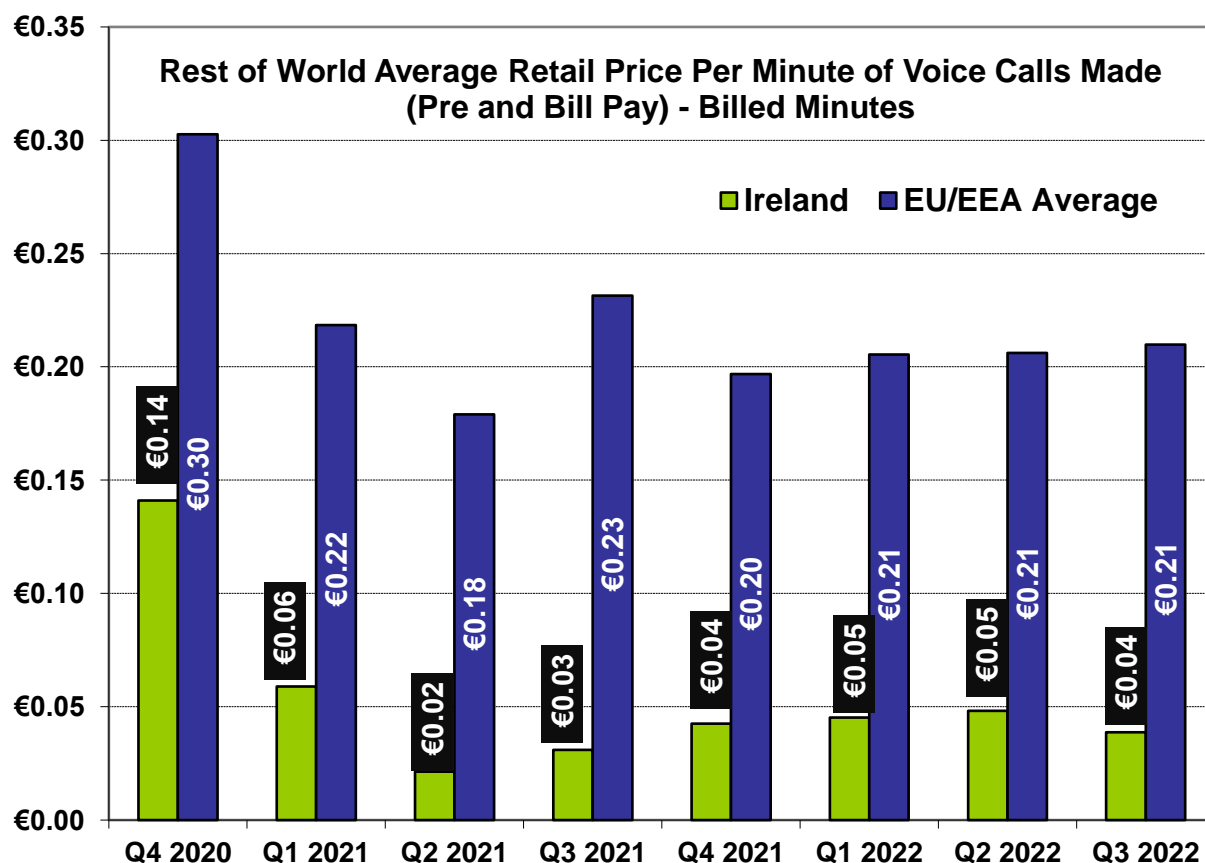
18. Ireland's reported data volumes for the four reported quarters show that RLAH traffic accounts for most roaming tariffs (83.6% for Q4 2021, 81.9% for Q1 2022, 91.2% for Q2 2022 and 81.7% for Q3 2022) with alternative data roaming tariffs, as chosen by Irish consumers, representing 14.3% of traffic for Q4 2021, 16.1% for Q1 2022, 6.9% for Q2 2022 and 16.8% of traffic for Q3 2022. (Figure 6).
19. Ireland's reported calls made (minutes) shows that RLAH traffic accounts for most roaming tariffs (67.5% for Q4 2021, 71.0% for Q1 2022, 69.2% for Q2 2022 and 71.3% for Q3 2022) with alternative roaming tariffs, as chosen by Irish consumers, representing 32.1% of traffic for Q4 2021, 28.5% of traffic for Q1 2022, 30.5% for Q2 2022 and 28.4% for Q3 2022. (Figure 7).
20. Ireland's reported calls received (minutes) for three of the four reported quarters shows that RLAH traffic accounts for most roaming tariffs (64.1% for Q4 2021, 65.9% for Q1 2022, 46.5% for Q2 2022⁸ and 68.2% for Q3 2022) with alternative roaming tariffs, as chosen by Irish consumers, representing 34.5% of traffic for Q4 2021, 32.5% for Q1 2022, 52.5% for Q2 2022 and 30.5% of traffic for Q3 2022. (Figure 8).

⁸ This is due to certain data reported by BEREC for one service provider covering Q2 2022 that is not valid. This is expected to be corrected in the next BEREC report.

3. Analysis of Irish Data

Note: All prices displayed exclude VAT.

Figure 1



Ireland’s aggregated average retail price for making calls to the rest of the world (roaming outside the EU/EEA) has remained below the EU/EEA average price for Q4 2021, Q1 2022, Q2 2022 and Q3 2022.

Figure 2

Ireland's aggregated average price for receiving a call outside the EU/EEA (ROW) remains below the EU/EEA average to receive a call outside the EU/EEA (ROW) for Q4 2021, Q1 2022, Q2 2022 and Q3 2022.

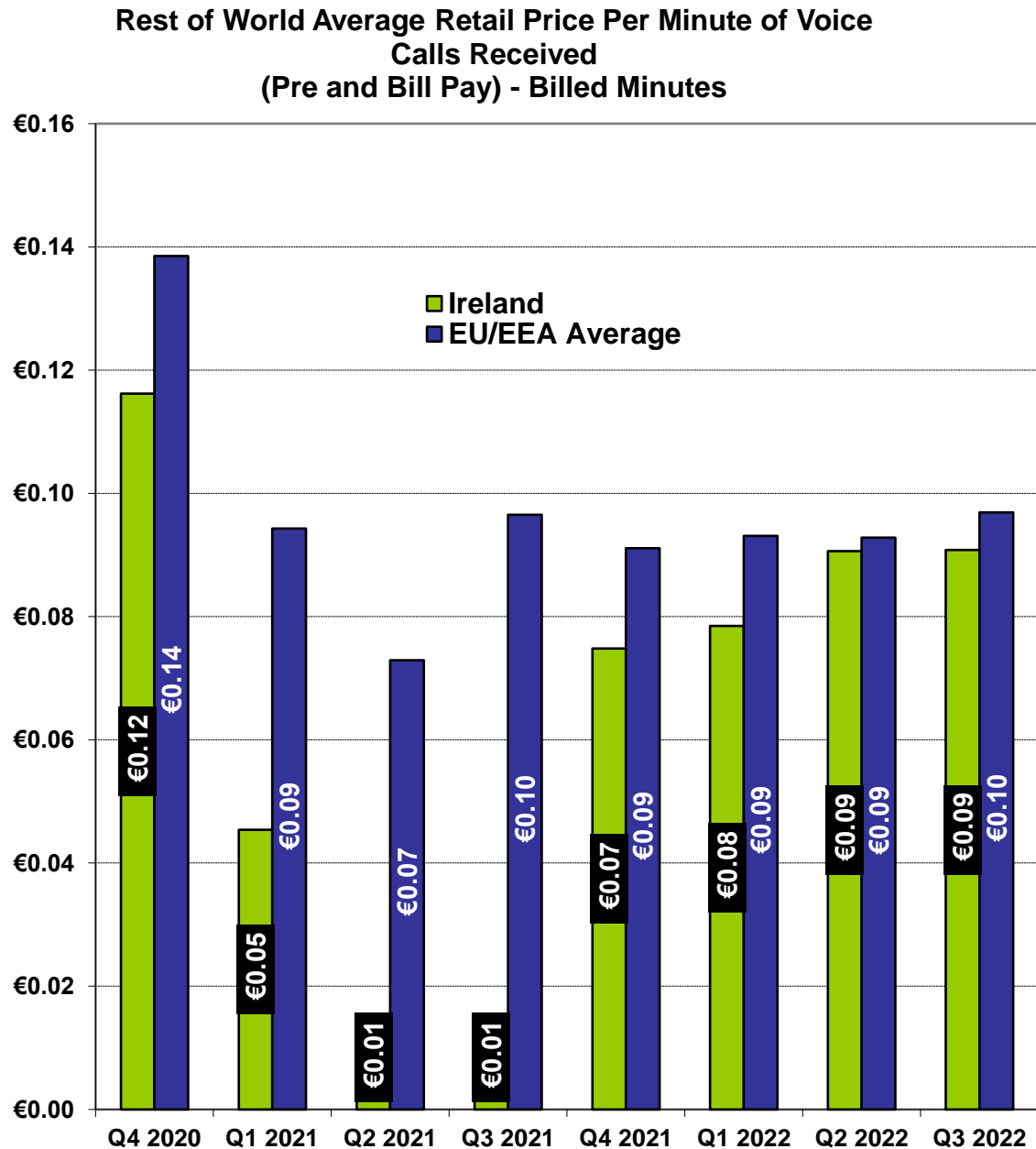
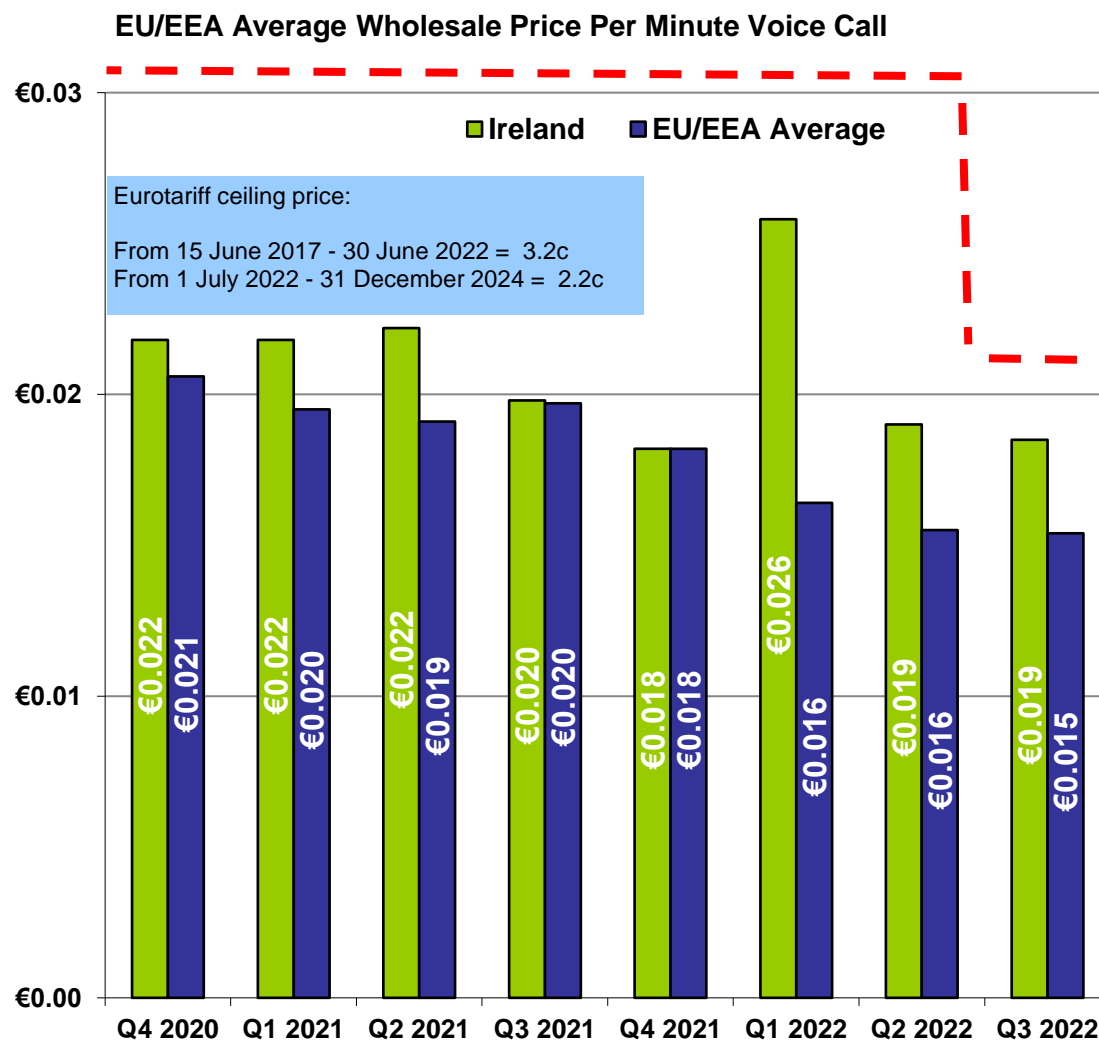


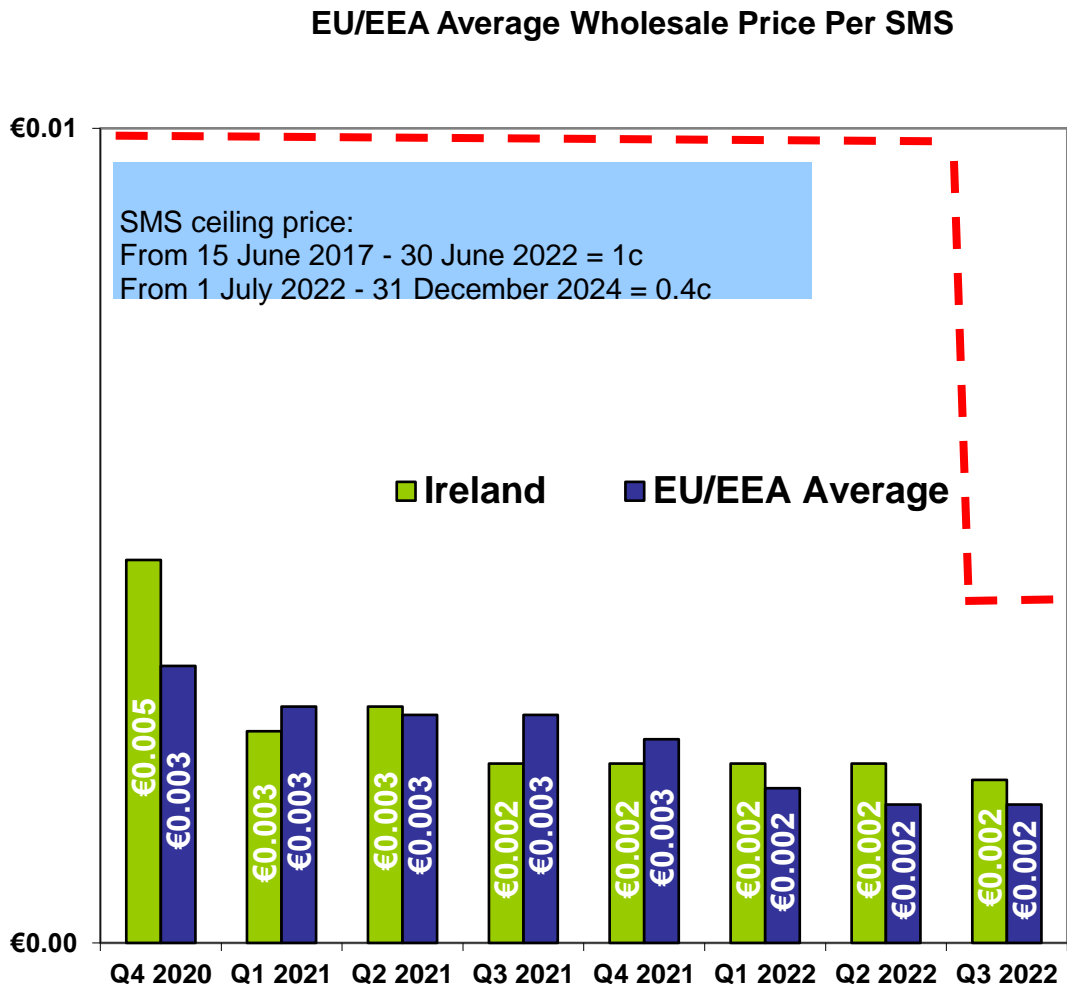
Figure 3



Ireland’s aggregated average wholesale price per call made remains below the cap from 15 June 2017 of 3.2cents per minute⁹ and below the regulated price cap from 1 July 2022 of 2.2 cents.

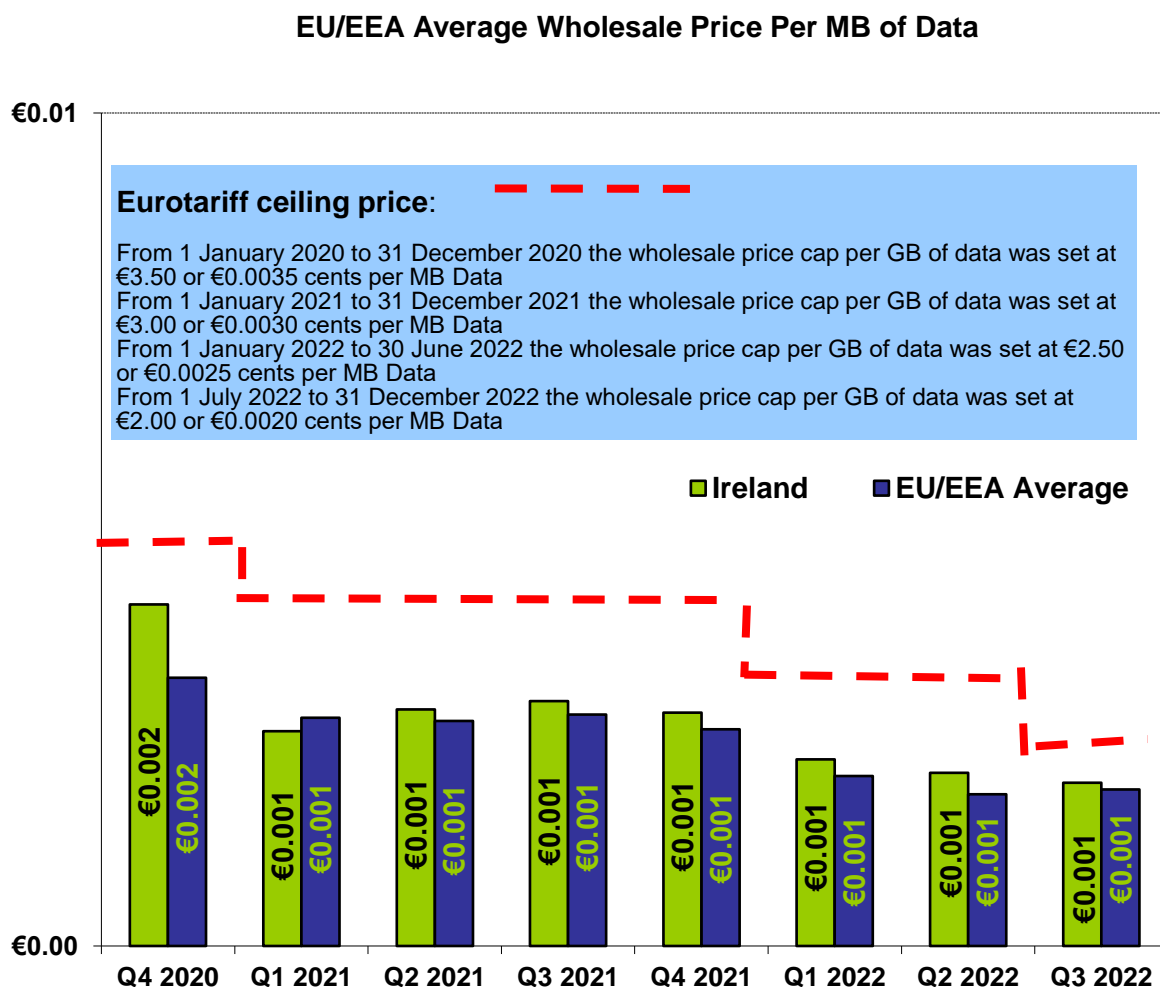
⁹ The increase observed for the Ireland aggregated average for Q1 2022 is as a result of timing issues – this effect has been notified to BEREC.

Figure 4



Ireland’s aggregated average wholesale price per SMS among Irish mobile operator’s remains below or on a par with the regulated price cap of 1 cent from 15 June 2017 for three of the reported quarters and below the regulated price cap from 1 July 2022 of 0.4 cents for Q3 2022.

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 1 January 2020 to 31 December 2020 the wholesale price cap per GB of data was set at €3.50 or €0.0035 cents per MB of data. From 1 January 2021 to 31 December 2021 the wholesale price cap per GB of data was set at €3.00 or €0.003 cents per MB of data. From 1 January 2022 to 31 July 2022 the wholesale price cap per GB of data was set at €2.50 or €0.0025 cents per MB of data. From 1 July 2022 to 31 December 2022 the wholesale price cap per GB of data was set at €2.00 or €0.0020 cents per MB of data.

Ireland's aggregated average wholesale price for the four reported periods of Q4 2021, Q1 2022, Q2 2022 and Q3 2022 is well below the caps and is on par with the EU/EEA average.

Retail Roaming Services

Figure 6

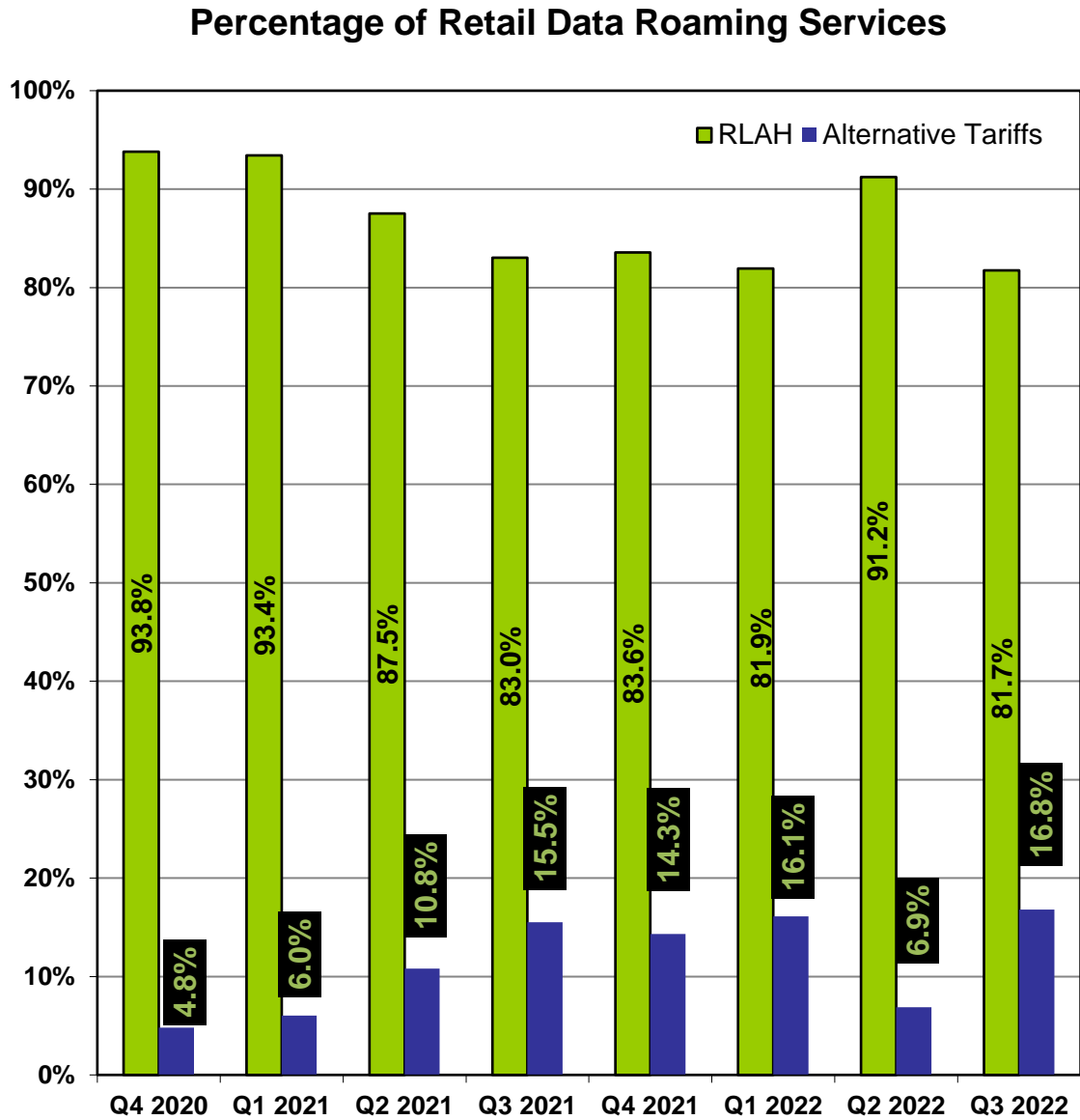
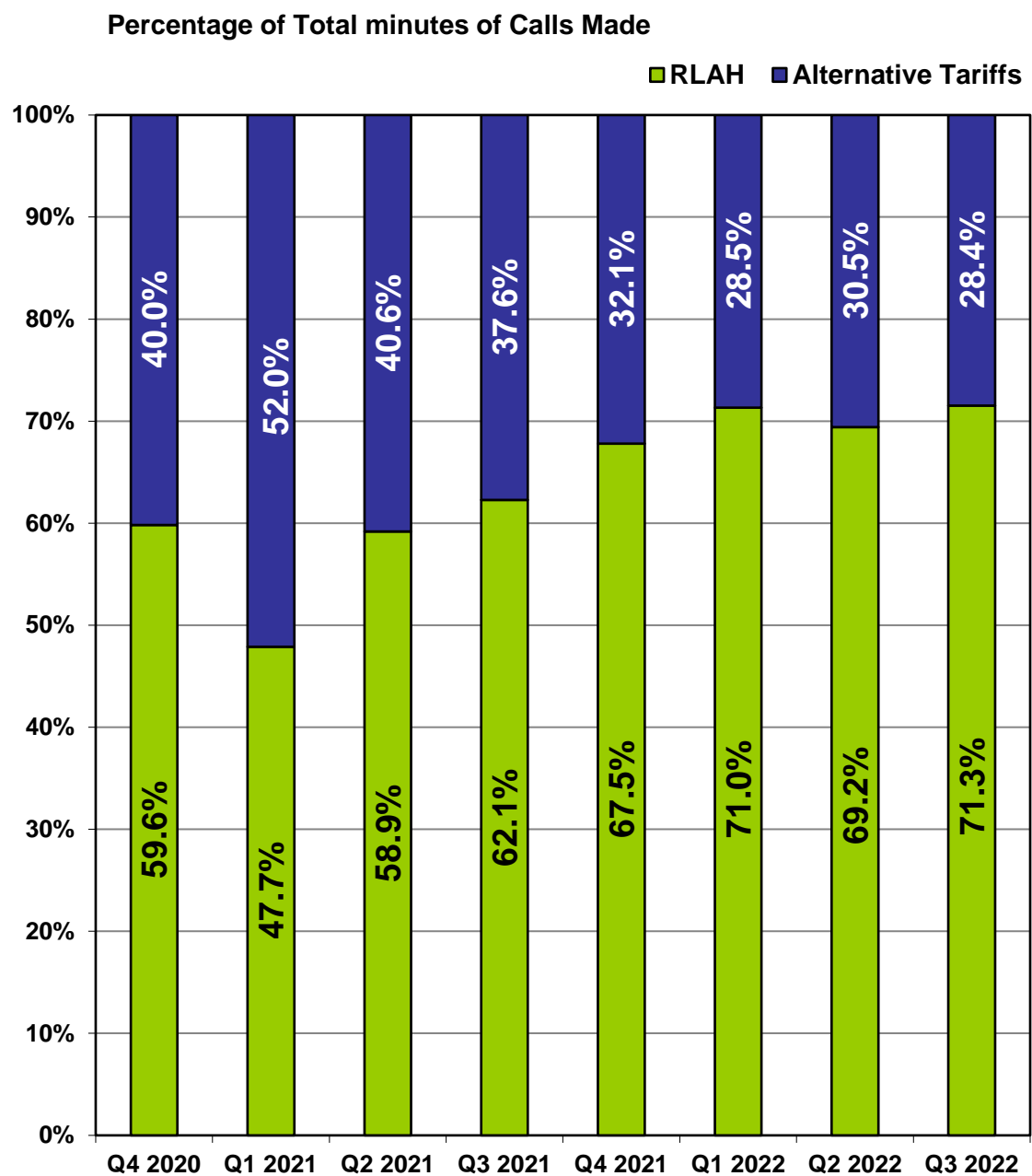
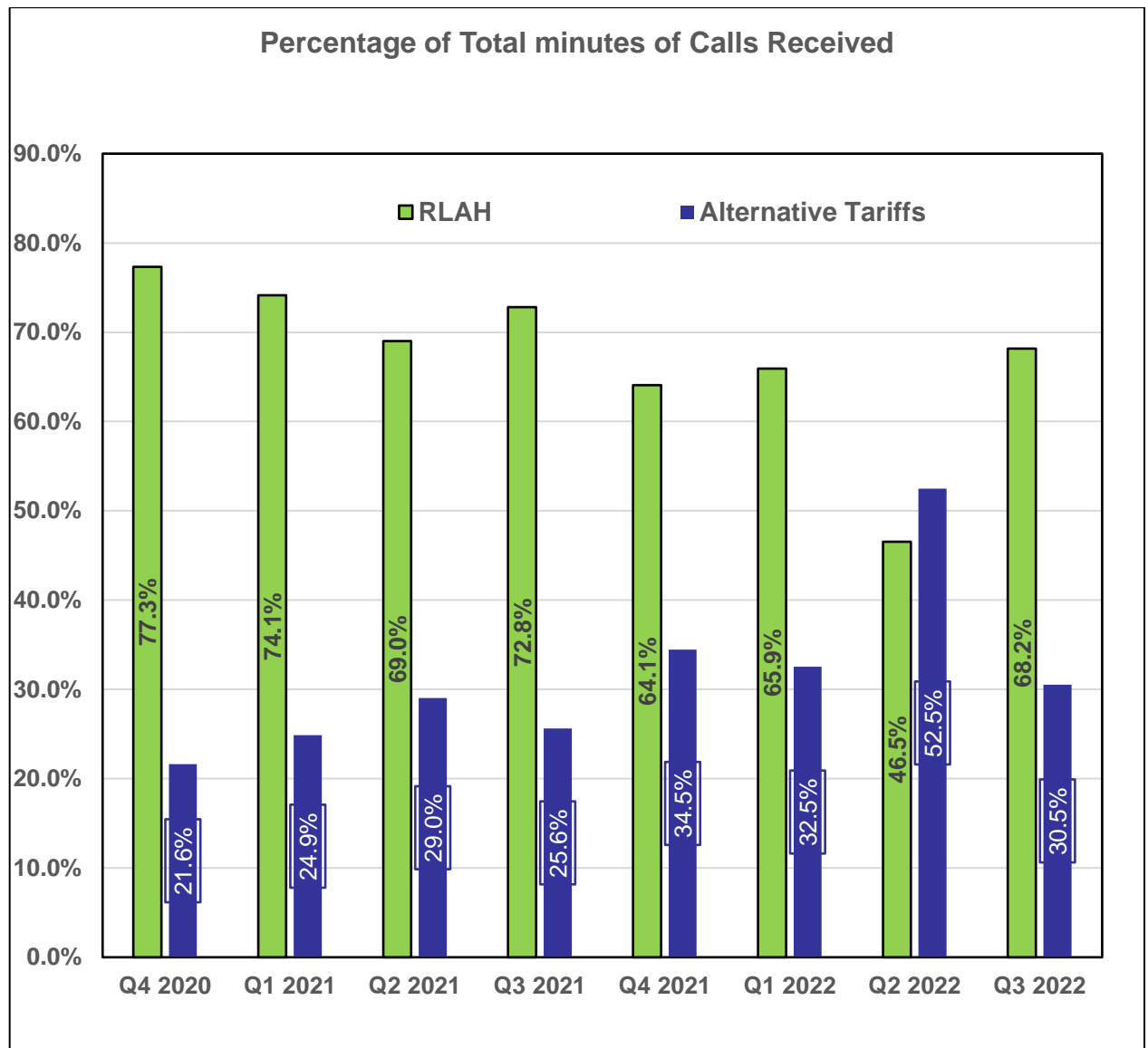


Figure 7¹⁰



¹⁰ Due to systems issues certain Irish mobile providers were unable to exclude UK data relevant to Alternative Tariffs from the EU/EEA category resulting in an inflated overall % for Alternative Tariffs for Q1 2021. The systems issues in question have been rectified for Q2 2021.

Figure 8



4. EU Regulatory Requirements

Main Provisions of Roaming Regulation

The Roaming Regulation means that Users will benefit from new rules for the next 10 years, from 1 July 2022 until 30 June 2032

Regulated Wholesale price caps / excluding VAT

<u>Year</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<u>Data</u>	<u>€2/GB</u>	<u>€1.80/GB</u>	<u>€1.55/GB</u>	<u>€1.30/GB</u>	<u>€1.10/GB</u>	<u>€1/GB</u>
<u>Voice Call</u>	<u>€0.022/ /min</u>			<u>€0.019 /min</u>		
<u>SMS</u>	<u>€0.004 / SMS</u>			<u>€0.003 / SMS</u>		

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

- 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.

- Additionally, as part of the Roaming Regulation rules, the roaming provider should inform you when you have used €100 (excluding VAT) in a monthly billing period. The notification must indicate the procedure you should follow if you wish to continue using roaming services. 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.
- Network providers, will be required (in addition to basic pricing information) to inform users in the notification (SMS) received when crossing the border into another EU or EEA country about the type of value-added services including freephone phone numbers that may be subject to charges when phoning them from abroad. This information on value-added service phone numbers should include a link to access a dedicated webpage providing up to date information, about charges applicable, including to freephone numbers when roaming. Information on value-added service phone numbers should also be found in your contract.

Inadvertent Roaming

- 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. The latest rules extend this protection to include the risk of connecting to a non-terrestrial public mobile communications network, which are not covered by RLAH and could incur charges other than RLAH prices. The roaming provider must alert the user via an automatic message to avert the risk of unexpected charges.

Other measures

The Roaming Regulation rules ensure that roaming providers provide greater transparency with regard to (i) the use of value-added services when roaming and (ii) the use of roaming on non-terrestrial public mobile communications networks (see below), to ensure a genuine RLAH experience in terms of (iii) quality of service, and (iv) access to emergency services when roaming.

The cost of value-added services when roaming

- The Roaming Regulation helps to ensure that mobile users are better informed about value-added services and that additional costs can incur if used while roaming. For example, calls to customer service numbers, helpdesks numbers etc., made in Ireland can be free of charge or cost less, but when roaming additional charges may apply.

The quality of the service experienced while RLAH

- The Roaming Regulation extends to the quality of mobile service users may experience while roaming in the EU/EAA.
- As part of the quality of service measures, users should benefit from a similar level of quality of service when using the services when travelling in the EU/EEA as they would if they were at home. For example, if the user is a 5G customer at home the user should also have access to 5G services while roaming when this is available in another member state.
- In some cases, it may not be possible to offer a similar quality of service when roaming because the network might not be as good as the one used at home, though the roaming service provider should do its best to offer a similar quality of mobile service abroad as at home when this is technically possible.

Accessing emergency services when roaming

- If traveling abroad, you should automatically receive a message to remind you of the 112 facility and, from 1 June 2023, the notification should include information about the available alternative means of reaching emergency services, such as through real time text or apps. If you are not able to make a voice call to '112' you may use these alternative means of access to emergency services.

End-users with disabilities

- Additionally, the service provider must provide end-users with disabilities with the basic personalised pricing information on the roaming charges (including VAT) including information in relation to Fair Use Limit by voice call, free of charge if they request.

Structural Measures

- Structural measures are implemented to allow consumers to contract for roaming services with an alternative provider from 1 July 2014.
- As the UK has left the EU, Irish consumers are not entitled under EU law to the EU RLAH rates when travelling in the UK. A number of Irish roaming service providers have chosen to extend RLAH type pricing for Irish based consumers when roaming in the UK, but it is advisable to contact your provider to check the

up-to-date prices and mobile allowances that may apply when travelling in the UK (and/or countries outside the EU and EEA).

Fair Use Policy (FUP)

- From 15 June 2017 roaming service providers are allowed to impose a FUP on data consumption. FUPs were introduced to protect roaming providers against consumption of excessive data roaming services. 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.
- 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) 2022/612 of 6 April 2022, which have a sliding downward scale from 1 July 2022 to 1 January 2027 and shall remain at the 2027 level until 30 June 2032 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. From 1 July 2022, RLAH has been extended by Regulation (EU) 2022/6122 (“the new rules”) until 30 June 2032. 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

21. Regulation (EU) 2022/612¹¹ of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union (“Roaming Regulation”)
22. The European Communications (Mobile Telephone Roaming) Regulations, 2022, S.I. No. 315 of 2022 (“Mobile Telephone Roaming Regulations”), give full effect to the Roaming Regulation in Ireland, with effect from 1 July 2022.
23. The Mobile Telephone Roaming Regulations provide that the Commission for Communications Regulation (“ComReg”) is the national regulatory authority to carry out the functions referred to in Article 17 of the Roaming Regulation.
24. Regulation (EU) No 2017/920¹² 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, has regard to rules for wholesale roaming markets.
25. Regulation (EU) No 2015/2120 of the European Parliament and of the Council of 25 November 2015 lays 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 (Roaming Regulation III, as amended)¹³.
26. Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 (Roaming Regulation III)¹⁴ repealed Regulation (EC) No. 717/2007 (as amended by Regulation (EC) No. 544/2009) with effect from 1 July 2012.
27. Article 17 of the Roaming Regulation requires NRAs to monitor and supervise compliance with this Regulation within their territory. NRAs shall make up to date information on the application of this Regulation publicly available.

¹¹ 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.

¹² 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.

¹³ 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.

¹⁴ Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012.

28. BEREC published guidelines on Roaming Regulation III in February 2013¹⁵. 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 2016¹⁶.
29. The 2016 guidelines were replaced when BEREC published revised guidelines on the application of the Roaming Regulation III, as amended, on 27 March 2017¹⁷. 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. The 2017 BEREC Retail Roaming Guidelines were updated to explain the changes made by the Roaming Regulation. These Guidelines¹⁸ replace the BEREC Guidelines published in 2017.
30. The 2012 Wholesale Roaming Guidelines were replaced when BEREC published Guidelines in June 2017¹⁹ to include changes made to the Roaming Regulation, as amended, by Regulation (EU) 2017/920 of 17 May 2017 regarding rules for wholesale roaming markets. The 2017 BEREC Wholesale Roaming Guidelines were replaced by the BEREC Guidelines on the application of Article 3 of the Roaming Regulation on roaming on public communications networks within the Union (Wholesale Roaming Guidelines).²⁰ These 2022 guidelines are complementary to the provisions set out in the Roaming Regulation.
31. 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.

¹⁵ 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).

¹⁶ 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).

¹⁷ 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).

¹⁸ BoR (22) 88 – BEREC GUIDELINES ON Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines).

¹⁹ 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).

²⁰ BoR (22) 147 – BEREC Guidelines on the application of Article 3 of Regulation (EU) 2022/612 of 6 April 2022 on roaming on public communications networks with the Union (Wholesale Roaming Guidelines).

32. 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. This Regulation should continue to apply until the adoption of updated Commission Implementing Regulation(recital 23 of the Roaming Regulation).