

Regulation (EU) No 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) (Text with EEA relevance)

Article 15

Transparency and safeguard mechanisms for retail data roaming services

1 Roaming providers shall ensure that their roaming customers, both before and after the conclusion of a contract, are kept adequately informed of the charges which apply to their use of regulated data roaming services, in ways which facilitate customers' understanding of the financial consequences of such use and permit them to monitor and control their expenditure on regulated data roaming services in accordance with paragraphs 2 and 3.

Where appropriate, roaming providers shall inform their customers, before the conclusion of a contract and on a regular basis thereafter, of the risk of automatic and uncontrolled data roaming connection and download. Furthermore, roaming providers shall notify to their customers, free of charge and in a clear and easily understandable manner, how to switch off these automatic data roaming connections in order to avoid uncontrolled consumption of data roaming services.

[^{F12} An automatic message from the roaming provider shall inform the roaming customer that the latter is using regulated data roaming services, and provide basic personalised tariff information on the charges (in the currency of the home bill provided by the customer's domestic provider) applicable to the provision of regulated data roaming services to that roaming customer in the Member State concerned, except where the customer has notified the roaming provider that he does not require that information.

That basic personalised tariff information shall include information on:

- a any fair use policy that the roaming customer is subject to within the Union and the surcharges which apply in excess of any limits under that fair use policy; and
- b any surcharge applied in accordance with Article 6c.

The information shall be delivered to the roaming customer's mobile device, for example by an SMS message, an e-mail or a pop-up window on the mobile device, every time the roaming customer enters a Member State other than that of his domestic provider and initiates for the first time a data roaming service in that particular Member State. It shall be provided free of charge at the moment the roaming customer initiates a regulated data roaming service, by an appropriate means adapted to facilitate its receipt and easy comprehension.

A customer who has notified his roaming provider that he does not require the automatic tariff information shall have the right at any time and free of charge to require the roaming provider to provide this service again.]

[^{F2a} The roaming provider shall send a notification when the applicable fair use volume of regulated data roaming service is fully consumed or any usage threshold applied in accordance with Article 6c is reached. That notification shall indicate the surcharge that will be applied to any additional consumption of regulated data roaming services by the roaming customer. Each customer shall have the right to require the roaming provider to stop sending such notifications and shall have the right, at any time and free of charge, to require the roaming provider to provide the service again.]

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 531/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F13} Each roaming provider shall grant to all their roaming customers the opportunity to opt deliberately and free of charge for a facility which provides in a timely manner information on the accumulated consumption expressed in volume or in the currency in which the roaming customer is billed for regulated data roaming services and which guarantees that, without the customer's explicit consent, the accumulated expenditure for regulated data roaming services over a specified period of use, excluding MMS billed on a per-unit basis, does not exceed a specified financial limit.]

To this end, the roaming provider shall make available one or more maximum financial limits for specified periods of use, provided that the customer is informed in advance of the corresponding volume amounts. One of those limits (the default financial limit) shall be close to, but not exceed, EUR 50 of outstanding charges per monthly billing period (excluding VAT).

Alternatively, the roaming provider may establish limits expressed in volume, provided that the customer is informed in advance of the corresponding financial amounts. One of those limits (the default volume limit) shall have a corresponding financial amount not exceeding EUR 50 of outstanding charges per monthly billing period (excluding VAT).

In addition, the roaming provider may offer to its roaming customers other limits with different, that is, higher or lower, maximum monthly financial limits.

The default limits referred to in the second and third subparagraphs shall be applicable to all customers who have not opted for another limit.

Each roaming provider shall also ensure that an appropriate notification is sent to the roaming customer's mobile device, for example by an SMS message, an e-mail or a pop-up window on the computer, when the data roaming services have reached 80 % of the agreed financial or volume limit. Each customer shall have the right to require the roaming provider to stop sending such notifications and shall have the right, at any time and free of charge, to require the provider to provide the service again.

When the financial or volume limit would otherwise be exceeded, a notification shall be sent to the roaming customer's mobile device. That notification shall indicate the procedure to be followed if the customer wishes to continue provision of those services and the cost associated with each additional unit to be consumed. If the roaming customer does not respond as prompted in the notification received, the roaming provider shall immediately cease to provide and to charge the roaming customer for regulated data roaming services, unless and until the roaming customer requests the continued or renewed provision of those services.

Whenever a roaming customer requests to opt for or to remove a financial or volume limit facility, the change shall be made within one working day of receipt of the request, shall be free of charge, and shall not entail conditions or restrictions pertaining to other elements of the subscription.

4 Paragraphs 2 and 3 shall not apply to machine-to-machine devices that use mobile data communication.

5 Roaming providers shall take reasonable steps to protect their customers from paying roaming charges for inadvertently accessed roaming services while situated in their home Member State. This shall include informing customers on how to avoid inadvertent roaming in border regions.

[^{F16} This Article, with the exception of paragraph 5, of the second subparagraph of paragraph 2 and of paragraph 2a, and subject to the second and third subparagraph of this

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paragraph, shall also apply to data roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.]

Where the customer opts for the facility referred to in the first subparagraph of paragraph 3, the requirements provided in paragraph 3 shall not apply if the visited network operator in the visited country outside the Union does not allow the roaming provider to monitor its customers' usage on a real-time basis.

In such a case the customer shall be notified by an SMS message when entering such a country, without undue delay and free of charge, that information on accumulated consumption and the guarantee not to exceed a specified financial limit are not available.

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 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 \(Text with EEA relevance\).](#)
- F2** Inserted by [Regulation \(EU\) 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 \(Text with EEA relevance\).](#)

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2023/214 reg. 14](#)
- Art. 15(2) words omitted by [S.I. 2019/587 reg. 3\(11\)\(a\)](#)
- Art. 15(2) words omitted by [S.I. 2019/587 reg. 3\(11\)\(b\)](#)
- Art. 15(2a) omitted by [S.I. 2019/587 reg. 3\(12\)](#)
- Art. 15(3) words substituted by [S.I. 2019/587 reg. 3\(13\)](#)
- Art. 15(5) words substituted by [S.I. 2019/587 reg. 3\(14\)](#)
- Art. 15(6) words omitted by [S.I. 2019/587 reg. 3\(15\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(2)(c) omitted by [S.I. 2019/587 reg. 3\(5\)\(a\)](#)
- Art. 2(2)(d) words substituted by [S.I. 2019/587 reg. 3\(5\)\(b\)](#)
- Art. 2(2)(d) words substituted by [S.I. 2019/587 reg. 3\(5\)\(c\)](#)
- Art. 2(2)(e) words omitted by [S.I. 2019/587 reg. 3\(5\)\(e\)](#)
- Art. 2(2)(f) words omitted by [S.I. 2019/587 reg. 3\(5\)\(f\)\(iii\)](#)
- Art. 2(2)(f) words substituted by [S.I. 2019/587 reg. 3\(5\)\(f\)\(i\)](#)
- Art. 2(2)(f) words substituted by [S.I. 2019/587 reg. 3\(5\)\(f\)\(ii\)](#)
- Art. 2(2)(g) words substituted by [S.I. 2019/587 reg. 3\(5\)\(g\)](#)
- Art. 2(2)(h) words inserted by [S.I. 2019/587 reg. 3\(5\)\(h\)](#)
- Art. 2(2)(h) words substituted by [S.I. 2019/587 reg. 3\(5\)\(b\)](#)
- Art. 2(2)(k) words inserted by [S.I. 2019/587 reg. 3\(5\)\(h\)](#)
- Art. 2(2)(k) words substituted by [S.I. 2019/587 reg. 3\(5\)\(b\)](#)
- Art. 2(2)(o)-(s) omitted by [S.I. 2019/587 reg. 3\(5\)\(i\)](#)
- Art. 2(2)(da) inserted by [S.I. 2019/587 reg. 3\(5\)\(d\)](#)