

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 1

Subject matter and scope

1 This Regulation introduces a common approach to ensuring that users of public mobile communications networks, when travelling within the Union, do not pay excessive prices for Union-wide roaming services in comparison with competitive national prices, when making calls and receiving calls, when sending and receiving SMS messages and when using packet switched data communication services, thereby contributing to the smooth functioning of the internal market while achieving a high level of consumer protection, fostering competition and transparency in the market and offering both incentives for innovation and consumer choice.

It lays down rules to enable the separate sale of regulated roaming services from domestic mobile communications services and sets out the conditions for wholesale access to public mobile communications networks for the purpose of providing regulated roaming services. It also lays down transitory rules on the charges that may be levied by roaming providers for the provision of regulated roaming services for voice calls and SMS messages originating and terminating within the Union and for packet switched data communication services used by roaming customers while roaming on a mobile communications network within the Union. It applies both to charges levied by network operators at wholesale level and to charges levied by roaming providers at retail level.

2 The separate sale of regulated roaming services from domestic mobile communications services is a necessary intermediate step to increase competition so as to lower roaming tariffs for customers in order to achieve an internal market for mobile communication services and ultimately for there to be no differentiation between national and roaming tariffs.

3 This Regulation also lays down rules aimed at increasing price transparency and improving the provision of information on charges to users of roaming services.

4 This Regulation constitutes a specific measure within the meaning of Article 1(5) of the Framework Directive.

5 The maximum charges set out in this Regulation are expressed in euro.

6 Where maximum charges under Articles 7, 9 and 12 are denominated in currencies other than the euro, the initial limits pursuant to those Articles shall be determined in those currencies by applying the reference exchange rates published on 1 May 2012 by the European Central Bank in the *Official Journal of the European Union*.

For the purposes of the subsequent limits provided for in Article 7(2), Article 9(1), and Article 12(1), the revised values shall be determined by applying the reference exchange rates so published on 1 May of the relevant calendar year. For the maximum charges under Article 7(2), Article 9(1) and Article 12(1), the limits in currencies other than the euro shall be revised annually as from 2015. The annually revised limits in those currencies shall apply from 1 July using the reference exchange rates published on 1 May of the same year.

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7 Where maximum charges under Articles 8, 10 and 13 are denominated in currencies other than the euro, the initial limits pursuant to those Articles shall be determined in those currencies by applying the average of the reference exchange rates published on 1 March, 1 April and 1 May 2012 by the European Central Bank in the *Official Journal of the European Union*.

For the purposes of the subsequent limits provided for in Article 8(2), Article 10(2) and Article 13(2), the revised values shall be determined by applying the average of the reference exchange rates so published on 1 March, 1 April and 1 May of the relevant calendar year. For the maximum charges under Article 8(2), Article 10(2) and Article 13(2), the limits in currencies other than euro shall be revised annually as from 2015. The annually revised limits in those currencies shall apply from 1 July using the average of the reference exchange rates published on 1 March, 1 April and 1 May of the same year.

Article 2

Definitions

1 For the purposes of this Regulation, the definitions set out in Article 2 of the Access Directive, Article 2 of the Framework Directive, and Article 2 of the Universal Service Directive shall apply.

2 In addition to the definitions referred to in paragraph 1, the following definitions shall apply:

- a 'roaming provider' means an undertaking that provides a roaming customer with regulated retail roaming services;
- b 'domestic provider' means an undertaking that provides a roaming customer with domestic mobile communications services;
- c 'alternative roaming provider' means a roaming provider different from the domestic provider;
- d 'home network' means a public communications network located within a Member State and used by the roaming provider for the provision of regulated retail roaming services to a roaming customer;
- e 'visited network' means a terrestrial public mobile communications network situated in a Member State other than that of the roaming customer's domestic provider that permits a roaming customer to make or receive calls, to send or receive SMS messages or to use packet switched data communications, by means of arrangements with the home network operator;
- f 'Union-wide roaming' means the use of a mobile device by a roaming customer to make or receive intra-Union calls, to send or receive intra-Union SMS messages, or to use packet switched data communications, while in a Member State other than that in which the network of the domestic provider is located, by means of arrangements between the home network operator and the visited network operator;
- g 'roaming customer' means a customer of a roaming provider of regulated roaming services, by means of a terrestrial public mobile communications network situated in the Union, whose contract or arrangement with that roaming provider permits Union-wide roaming;
- h 'regulated roaming call' means a mobile voice telephony call made by a roaming customer, originating on a visited network and terminating on a public communications network within the Union or received by a roaming customer, originating on a public communications network within the Union and terminating on a visited network;

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- i 'euro-voice tariff' means any tariff not exceeding the maximum charge provided for in Article 8, which a roaming provider may levy for the provision of regulated roaming calls in accordance with that Article;
- j 'SMS message' means a Short Message Service text message, composed principally of alphabetical and/or numerical characters, capable of being sent between mobile and/or fixed numbers assigned in accordance with national numbering plans;
- k 'regulated roaming SMS message' means an SMS message sent by a roaming customer, originating on a visited network and terminating on a public communications network within the Union or received by a roaming customer, originating on a public communications network within the Union and terminating on a visited network;
- l 'euro-SMS tariff' means any tariff not exceeding the maximum charge provided for in Article 10, which a roaming provider may levy for the provision of regulated roaming SMS messages in accordance with that Article;
- m 'regulated data roaming service' means a roaming service enabling the use of packet switched data communications by a roaming customer by means of his mobile device while it is connected to a visited network. A regulated data roaming service does not include the transmission or receipt of regulated roaming calls or SMS messages, but does include the transmission and receipt of MMS messages;
- n 'euro-data tariff' means any tariff not exceeding the maximum charge provided for in Article 13, which a roaming provider may levy for the provision of regulated data roaming services in accordance with that Article;
- o 'wholesale roaming access' means direct wholesale roaming access or wholesale roaming resale access;
- p 'direct wholesale roaming access' means the making available of facilities and/or services by a mobile network operator to another undertaking, under defined conditions, for the purpose of that other undertaking providing regulated roaming services to roaming customers;
- q 'wholesale roaming resale access' means the provision of roaming services on a wholesale basis by a mobile network operator different from the visited network operator to another undertaking for the purpose of that other undertaking providing regulated roaming services to roaming customers.

Article 3

Wholesale roaming access

- 1 Mobile network operators shall meet all reasonable requests for wholesale roaming access.
- 2 Mobile network operators may refuse requests for wholesale roaming access only on the basis of objective criteria.
- 3 Wholesale roaming access shall cover access to all network elements and associated facilities, relevant services, software and information systems, necessary for the provision of regulated roaming services to customers.
- 4 Rules on regulated wholesale roaming charges laid down in Articles 7, 9 and 12 shall apply to the provision of access to all components of wholesale roaming access referred to in paragraph 3.

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Without prejudice to the first subparagraph, in the case of wholesale roaming resale access, mobile network operators may charge fair and reasonable prices for components not covered by paragraph 3.

5 Mobile network operators shall publish a reference offer, taking into account the BEREC guidelines referred to in paragraph 8, and make it available to an undertaking requesting wholesale roaming access. Mobile network operators shall provide the undertaking requesting access with a draft contract, complying with this Article, for such access at the latest one month after the initial receipt of the request by the mobile network operator. The wholesale roaming access shall be granted within a reasonable period of time not exceeding three months from the conclusion of the contract. Mobile network operators receiving a wholesale roaming access request and undertakings requesting access shall negotiate in good faith.

6 The reference offer referred to in paragraph 5 shall be sufficiently detailed and shall include all components necessary for wholesale roaming access as referred to in paragraph 3, providing a description of the offerings relevant for direct wholesale roaming access and wholesale roaming resale access, and the associated terms and conditions. If necessary, national regulatory authorities shall impose changes to reference offers to give effect to obligations laid down in this Article.

7 Where the undertaking requesting the access desires to enter into commercial negotiations to also include components not covered by the reference offer, the mobile network operators shall respond to such a request within a reasonable period of time not exceeding two months from its initial receipt. For the purposes of this paragraph, paragraphs 2 and 5 shall not apply.

8 By 30 September 2012, and in order to contribute to the consistent application of this Article, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, lay down guidelines for wholesale roaming access.

9 Paragraphs 5 to 7 shall apply from 1 January 2013.

Article 4

Separate sale of regulated retail roaming services

1 Domestic providers shall enable their customers to access regulated voice, SMS and data roaming services, provided as a bundle by any alternative roaming provider.

Neither domestic nor roaming providers shall prevent customers from accessing regulated data roaming services provided directly on a visited network by an alternative roaming provider.

2 Roaming customers shall have the right to switch roaming provider at any time. Where a roaming customer chooses to switch roaming provider, the switch shall be carried out without undue delay, and in any case within the shortest possible period of time depending on the technical solution chosen for the implementation of the separate sale of regulated retail roaming services, but under no circumstances exceeding three working days from the conclusion of the agreement with the new roaming provider.

3 The switch to an alternative roaming provider or between roaming providers shall be free of charge for customers and shall be possible under any tariff plan. It shall not entail any associated subscription or additional fixed or recurring charges, pertaining to elements of the subscription other than roaming, as compared to the conditions prevailing before the switch.

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4 Domestic providers shall inform all their roaming customers in a clear, understandable and easily accessible form about the possibility to opt for services referred to in the first subparagraph of paragraph 1.

In particular, at the time of making or renewing a contract on mobile communication services, domestic providers shall provide all their customers individually with full information on the possibility to choose an alternative roaming provider and shall not hinder the conclusion of a contract with an alternative roaming provider. Customers concluding a contract with a domestic provider for regulated roaming services shall explicitly confirm that they have been informed of such possibility. A domestic provider shall not prevent, dissuade or discourage retailers serving as the domestic provider's points of sale from offering contracts for separate roaming services with alternative roaming providers.

5 The technical characteristics of regulated roaming services shall not be altered in such a way as to make them differ from the technical characteristics of the regulated roaming services, including the quality parameters, as provided to the customer before the switch. Where the switch does not concern all regulated roaming services, those services which have not been switched shall continue to be provided at the same price and, to the fullest extent possible, with the same technical characteristics, including quality parameters.

6 This Article shall apply from 1 July 2014.

Article 5

Implementation of separate sale of regulated retail roaming services

1 Domestic providers shall implement the separate sale of regulated retail roaming services as provided for in Article 4 so that customers can use domestic mobile communication services and separate regulated roaming services. Domestic providers shall meet all reasonable requests for access to facilities and related support services relevant for the separate sale of regulated retail roaming services. Access to those facilities and support services that are necessary for the separate sale of regulated roaming services, including user authentication services, shall be free of charge and shall not entail any direct charges to customers.

2 In order to ensure consistent and simultaneous implementation across the Union of the separate sale of regulated retail roaming services, the Commission shall, by means of implementing acts and after having consulted BEREC, adopt, by 31 December 2012, detailed rules on the information obligations laid down in Article 4(4) and on a technical solution for the implementation of the separate sale of regulated retail roaming services. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 6(2), and shall apply from 1 July 2014.

3 The technical solution to implement the separate sale of regulated retail roaming services shall meet the following criteria:

- a consumer friendliness, in particular allowing consumers to easily and quickly switch to an alternative roaming provider while keeping their existing mobile phone number and while using the same mobile device;
- b ability to serve all categories of consumer demand on competitive terms, including intensive usage of data services;
- c ability to effectively foster competition, taking also into account the scope for operators to exploit their infrastructure assets or commercial arrangements;

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- d cost-effectiveness, taking into account the division of costs between domestic providers and alternative roaming providers;
 - e ability to give effect to the obligations referred to in Article 4(1) in an efficient manner;
 - f allowing a maximum degree of interoperability;
 - g user friendliness, in particular in respect of the customers' technical handling of the mobile device when changing networks;
 - h ensuring that roaming by Union customers in third countries or by third country customers in the Union is not impeded;
 - i ensuring that the rules on protection of privacy, personal data, security and integrity of networks and transparency required by the Framework Directive and the Specific Directives are respected;
 - j taking into account the promotion by national regulatory authorities of the ability of end users to access and distribute information or run applications and services of their choice, in accordance with point (g) of Article 8(4) of the Framework Directive;
 - k ensuring that providers apply equivalent conditions in equivalent circumstances.
- 4 The technical solution may combine one or several technical modalities for the purposes of meeting the criteria set out in paragraph 3.
- 5 If necessary, the Commission shall give a mandate to a European standardisation body for the adaptation of the relevant standards that are necessary for the harmonised implementation of the separate sale of regulated retail roaming services.
- 6 Paragraphs 1, 3, 4 and 5 of this Article shall apply from 1 July 2014.

Article 6

Committee procedure

- 1 The Commission shall be assisted by the Communications Committee established by Article 22 of the Framework Directive. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
- 2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 7

Wholesale charges for the making of regulated roaming calls

- 1 The average wholesale charge that the visited network operator may levy on the customer's roaming provider for the provision of a regulated roaming call originating on that visited network, inclusive, inter alia, of origination, transit and termination costs, shall not exceed EUR 0,14 per minute as of 1 July 2012.
- 2 The average wholesale charge referred to in paragraph 1 shall apply between any pair of operators and shall be calculated over a 12-month period or any such shorter period as may remain before the end of the period of application of a maximum average wholesale charge as provided for in this paragraph or before 30 June 2022. The maximum average wholesale charge shall decrease to EUR 0,10 on 1 July 2013 and to EUR 0,05 on 1 July 2014 and shall, without prejudice to Article 19, remain at EUR 0,05 until 30 June 2022.

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3 The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale roaming revenue received by the total number of wholesale roaming minutes actually used for the provision of wholesale roaming calls within the Union by the relevant operator over the relevant period, aggregated on a per-second basis adjusted to take account of the possibility for the operator of the visited network to apply an initial minimum charging period not exceeding 30 seconds.

Article 8

Retail charges for regulated roaming calls

1 Roaming providers shall make available and actively offer to all their roaming customers, clearly and transparently, a euro-voice tariff as provided for in paragraph 2. That tariff shall not entail any associated subscription or other fixed or recurring charges and may be combined with any retail tariff.

When making this offer, roaming providers shall remind any of their roaming customers who had chosen a specific roaming tariff or package of the conditions applicable to that tariff or package.

2 With effect from 1 July 2012, the retail charge (excluding VAT) for a euro-voice tariff which a roaming provider may levy on its roaming customer for the provision of a regulated roaming call may vary for any roaming call but shall not exceed EUR 0,29 per minute for any call made or EUR 0,08 per minute for any call received. The maximum retail charge for calls made shall decrease to EUR 0,24 on 1 July 2013 and to EUR 0,19 on 1 July 2014 and the maximum retail charge for calls received shall decrease to EUR 0,07 on 1 July 2013 and to EUR 0,05 on 1 July 2014. Without prejudice to Article 19 those maximum retail charges for the euro-voice tariff shall remain valid until 30 June 2017.

Roaming providers shall not levy any charge on their roaming customers for the receipt by them of a roaming voicemail message. This shall be without prejudice to other applicable charges such as those for listening to such messages.

Every roaming provider shall charge its roaming customers for the provision of any regulated roaming call to which a euro-voice tariff applies, whether made or received, on a per-second basis.

The roaming provider may apply an initial minimum charging period not exceeding 30 seconds to calls made which are subject to a euro-voice tariff.

3 Roaming providers shall apply a euro-voice tariff to all existing roaming customers automatically with the exception of such roaming customers who have already made a deliberate choice of a specific roaming tariff or package by virtue of which they benefit from a different tariff for regulated roaming calls than they would have been accorded in the absence of such a choice.

4 Roaming providers shall apply a euro-voice tariff to all new roaming customers who do not make a deliberate choice to select a different roaming tariff or a tariff package for roaming services which includes a different tariff for regulated roaming calls.

5 Any roaming customer may request to switch to or from a euro-voice tariff. Any switch 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, save that where a roaming customer who has subscribed to a special roaming package which includes more than one regulated roaming service wishes to switch to a euro-voice tariff, the roaming

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provider may require the switching customer to forego the benefits of the other elements of that package. A roaming provider may delay a switch until the previous roaming tariff has been effective for a minimum specified period not exceeding two months. A euro-voice tariff may always be combined with a euro-SMS tariff and a euro-data tariff.

Article 9

Wholesale charges for regulated roaming SMS messages

1 With effect from 1 July 2012, the average wholesale charge that the visited network operator may levy for the provision of a regulated roaming SMS message originating on that visited network shall not exceed EUR 0,03 per SMS message. The maximum average wholesale charge shall decrease to EUR 0,02 on 1 July 2013 and shall, without prejudice to Article 19, remain at EUR 0,02 until 30 June 2022.

2 The average wholesale charge referred to in paragraph 1 shall apply between any pair of operators and shall be calculated over a 12-month period or any such shorter period as may remain before 30 June 2022.

3 The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale revenue received by the visited network operator or home network operator for the origination and transmission of regulated roaming SMS messages within the Union in the relevant period by the total number of such SMS messages originated and transmitted on behalf of the relevant roaming provider or home network operator within that period.

4 The visited network operator shall not levy any charge on a roaming customer's roaming provider or home network operator, separate from the charge referred to in paragraph 1, for the termination of a regulated roaming SMS message sent to a roaming customer while roaming on its visited network.

Article 10

Retail charges for regulated roaming SMS messages

1 Roaming providers shall make available and actively offer to all their roaming customers, clearly and transparently, a euro-SMS tariff as provided for in paragraph 2. The euro-SMS tariff shall not entail any associated subscription or other fixed or recurring charges and may be combined with any retail tariff, subject to the other provisions of this Article.

2 With effect from 1 July 2012, the retail charge (excluding VAT) for a euro-SMS tariff which a roaming provider may levy on its roaming customer for a regulated roaming SMS message sent by that roaming customer may vary for any regulated roaming SMS message but shall not exceed EUR 0,09. That maximum charge shall decrease to EUR 0,08 on 1 July 2013 and to EUR 0,06 on 1 July 2014 and shall, without prejudice to Article 19, remain at EUR 0,06 until 30 June 2017.

3 Roaming providers shall not levy any charge on their roaming customers for the receipt by them of a regulated roaming SMS message.

4 Roaming providers shall apply a euro-SMS tariff to all existing roaming customers automatically, with the exception of such roaming customers who have already made a deliberate choice of a specific roaming tariff or package by virtue of which they benefit from a different tariff for regulated roaming SMS messages than they would have been accorded in the absence of such a choice.

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5 Roaming providers shall apply a euro-SMS tariff to all new roaming customers who do not make a deliberate choice to select a different roaming SMS tariff or a tariff package for roaming services which includes a different tariff for regulated roaming SMS messages.

6 Any roaming customer may request to switch to or from a euro-SMS tariff at any time. Any switch 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 elements of the subscription other than roaming. A roaming provider may delay such a switch until the previous roaming tariff has been effective for a minimum specified period not exceeding two months. A euro-SMS tariff may always be combined with a euro-voice tariff and a euro-data tariff.

Article 11

Technical characteristics of regulated roaming SMS messages

No roaming provider, domestic provider, home network operator or visited network operator shall alter the technical characteristics of regulated roaming SMS messages in such a way as to make them differ from the technical characteristics of SMS messages provided within its domestic market.

Article 12

Wholesale charges for regulated data roaming services

1 With effect from 1 July 2012, the average wholesale charge that the visited network operator may levy on the roaming customer's home provider for the provision of regulated data roaming services by means of that visited network shall not exceed a safeguard limit of EUR 0,25 per megabyte of data transmitted. The safeguard limit shall decrease to EUR 0,15 per megabyte of data transmitted on 1 July 2013 and to EUR 0,05 per megabyte of data transmitted on 1 July 2014 and shall, without prejudice to Article 19, remain at EUR 0,05 per megabyte of data transmitted until 30 June 2022.

2 The average wholesale charge referred to in paragraph 1 shall apply between any pair of operators and shall be calculated over a 12-month period or any such shorter period as may remain before 30 June 2022.

3 The average wholesale charge referred to in paragraph 1 shall be calculated by dividing the total wholesale revenue received by the visited network or home network operator for the provision of regulated data roaming services in the relevant period by the total number of megabytes of data actually consumed by the provision of those services within that period, aggregated on a per-kilobyte basis on behalf of the relevant roaming provider or home network operator within that period.

Article 13

Retail charges for regulated data roaming services

1 Roaming providers shall make available and actively offer to all their roaming customers, clearly and transparently, a euro-data tariff as provided for in paragraph 2. This euro-data tariff shall not entail any associated subscription or other fixed or recurring charges and may be combined with any retail tariff.

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When making this offer, roaming providers shall remind those roaming customers who have already chosen a specific roaming tariff or package of the conditions applicable to that tariff or package.

2 With effect from 1 July 2012, the retail charge (excluding VAT) of a euro-data tariff which a roaming provider may levy on its roaming customer for the provision of a regulated data roaming service shall not exceed EUR 0,70 per megabyte used. The maximum retail charge for data used shall decrease to EUR 0,45 per megabyte used on 1 July 2013 and to EUR 0,20 per megabyte used on 1 July 2014 and shall, without prejudice to Article 19, remain at EUR 0,20 per megabyte used until 30 June 2017.

Every roaming provider shall charge its roaming customers for the provision of any regulated roaming data service to which a euro-data tariff applies on a per-kilobyte basis, except for Multimedia Messaging Service (MMS) messages which may be charged on a per-unit basis. In such a case, the retail charge which a roaming provider may levy on its roaming customer for the transmission or receipt of a roaming MMS message shall not exceed the maximum retail charge set in the first subparagraph.

3 From 1 July 2012 roaming providers shall apply a euro-data tariff to all existing roaming customers automatically, with the exception of such roaming customers who have already made a choice of a specific roaming tariff, or who are already on a tariff which is demonstrably lower than the euro-data tariff or who have already made a choice of a package by virtue of which they benefit from a different tariff for regulated data roaming services than they would have been accorded in the absence of such choice.

4 From 1 July 2012 roaming providers shall apply a euro-data tariff to all new roaming customers who have not made a deliberate choice to select a different roaming data tariff or a tariff package for roaming services which includes a different tariff for regulated roaming data services.

5 Any roaming customer may request to switch to or from a euro-data tariff, respecting their contractual conditions, at any point in time. Any switch 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 elements of the subscription other than Union-wide roaming. A roaming provider may delay such a switch until the previous roaming tariff has been effective for a minimum specified period not exceeding two months. A euro-data tariff may always be combined with a euro-SMS tariff and a euro-voice tariff.

6 By 30 June 2012 roaming providers shall inform all their roaming customers individually, in a clear and understandable manner and on a durable medium, about the euro-data tariff, that it will apply from 1 July 2012 at the latest to all roaming customers who have not made a deliberate choice of a special tariff or package applicable to regulated data roaming services, and about their right to switch to and from it in accordance with paragraph 5.

Article 14

Transparency of retail charges for roaming calls and SMS messages

1 To alert roaming customers to the fact that they will be subject to roaming charges when making or receiving a call or when sending an SMS message, each roaming provider shall, except when the customer has notified the roaming provider that he does not require this service, provide the customer, automatically by means of a Message Service, without undue delay and free of charge, when he enters a Member State other than that of his domestic provider, with basic personalised pricing information on the roaming charges (including VAT) that apply to

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the making and receiving of calls and to the sending of SMS messages by that customer in the visited Member State.

That basic personalised pricing information shall include the maximum charges (in the currency of the home bill provided by the customer's domestic provider) to which the customer may be subject under his tariff scheme for:

- a making regulated roaming calls within the visited Member State and back to the Member State of his domestic provider, as well as for regulated roaming calls received; and
- b sending regulated roaming SMS messages while in the visited Member State.

It shall also include the free-of-charge number referred to in paragraph 2 for obtaining more detailed information and information on the possibility of accessing emergency services by dialling the European emergency number 112 free of charge.

On the occasion of each message, a customer shall have the opportunity to give notice to the roaming provider, free of charge and in an easy manner, that he does not require the automatic Message Service. A customer who has given notice that he does not require the automatic Message Service shall have the right at any time and free of charge to require the roaming provider to provide the service again.

Roaming providers shall provide blind or partially-sighted customers with the basic personalised pricing information referred to in the first subparagraph automatically, by voice call, free of charge, if they so request.

The first, second, fourth and fifth subparagraphs shall also apply to voice and SMS roaming services used by roaming customers travelling outside the Union and provided by a roaming provider.

2 In addition to paragraph 1, customers shall have the right to request and receive, free of charge, and irrespective of their location within the Union, more detailed personalised pricing information on the roaming charges that apply in the visited network to voice calls and SMS, and information on the transparency measures applicable by virtue of this Regulation, by means of a mobile voice call or by SMS. Such a request shall be to a free-of-charge number designated for this purpose by the roaming provider. Obligations provided for in paragraph 1 shall not apply to devices which do not support SMS functionality.

3 Roaming providers shall provide all users with full information on applicable roaming charges, in particular on the euro-voice tariff and the euro-SMS tariff, when subscriptions are taken out. They shall also provide their roaming customers with updates on applicable roaming charges without undue delay each time there is a change in these charges.

Roaming providers shall take the necessary steps to secure awareness by all their roaming customers of the availability of the euro-voice tariff and the euro-SMS tariff. They shall in particular communicate to all roaming customers the conditions relating to the euro-voice tariff and the conditions relating to the euro-SMS tariff, in each case in a clear and unbiased manner. They shall send a reminder at reasonable intervals thereafter to all customers who have opted for another tariff.

The information provided shall be sufficiently detailed for customers to judge whether or not it is beneficial for them to switch to a Eurotariff.

4 Roaming providers shall make available information to their customers on how to avoid inadvertent roaming in border regions. 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.

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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.

2 An automatic message from the roaming provider shall inform the roaming customer that the latter is roaming and provide basic personalised tariff information on the charges (in the currency of the home bill provided by the customer's domestic provider), expressed in price per megabyte, 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.

Such basic personalised tariff 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.

3 Each roaming provider shall grant to all their roaming customers the opportunity to opt deliberately and free of charge for a facility which provides 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).

Status: Point in time view as at 29/11/2015.

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)

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.

6 This Article, with the exception of paragraph 5, and subject to the second and third subparagraph of this 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.

Article 16

Supervision and enforcement

1 National regulatory authorities shall monitor and supervise compliance with this Regulation within their territory.

Status: Point in time view as at 29/11/2015.

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2 National regulatory authorities shall make up-to-date information on the application of this Regulation, in particular Articles 7, 8, 9, 10, 12 and 13, publicly available in a manner that enables interested parties to have easy access to it.

3 National regulatory authorities shall, in preparation for the review provided for in Article 19, monitor developments in wholesale and retail charges for the provision to roaming customers of voice and data communications services, including SMS and MMS, including in the outermost regions referred to in Article 349 of the Treaty on the Functioning of the European Union. National regulatory authorities shall also be alert to the particular case of inadvertent roaming in the border regions of neighbouring Member States and monitor whether traffic-steering techniques are used to the disadvantage of customers.

National regulatory authorities shall monitor and collect information on inadvertent roaming and take appropriate measures.

4 National regulatory authorities shall have the power to require undertakings subject to obligations under this Regulation to supply all information relevant to the implementation and enforcement of this Regulation. Those undertakings shall provide such information promptly on request and in accordance with time limits and level of detail required by the national regulatory authority.

5 National regulatory authorities may intervene on their own initiative in order to ensure compliance with this Regulation. In particular, they shall, where necessary, make use of the powers under Article 5 of the Access Directive to ensure adequate access and interconnection in order to guarantee the end-to-end connectivity and interoperability of roaming services, for example where customers are unable to exchange regulated roaming SMS messages with customers of a terrestrial public mobile communications network in another Member State as a result of the absence of an agreement enabling the delivery of those messages.

6 Where a national regulatory authority finds that a breach of the obligations set out in this Regulation has occurred, it shall have the power to require the immediate cessation of such a breach.

Article 17

Dispute resolution

1 In the event of a dispute in connection with the obligations laid down in this Regulation between undertakings providing electronic communications networks or services in a Member State, the dispute resolution procedures laid down in Articles 20 and 21 of the Framework Directive shall apply.

2 In the event of an unresolved dispute involving a consumer or end-user and concerning an issue falling within the scope of this Regulation, the Member States shall ensure that the out-of-court dispute resolution procedures laid down in Article 34 of the Universal Service Directive are available.

Article 18

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member

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States shall notify those provisions to the Commission by 30 June 2013 and shall notify it without delay of any subsequent amendment affecting them.

[^{F1}Article 19

Review

1 By 29 November 2015, the Commission shall initiate a review of the wholesale roaming market with a view to assessing measures necessary to enable abolition of retail roaming surcharges by 15 June 2017. The Commission shall review, inter alia, the degree of competition in national wholesale markets, and in particular shall assess the level of wholesale costs incurred and wholesale charges applied, and the competitive situation of operators with limited geographic scope, including the effects of commercial agreements on competition as well as the ability of operators to take advantage of economies of scale. The Commission shall also assess the developments in competition in the retail roaming markets and any observable risks of distortion of competition and investment incentives in domestic and visited markets. In assessing measures necessary to enable the abolition of retail roaming surcharges, the Commission shall take into account the need to ensure that the visited network operators are able to recover all costs of providing regulated wholesale roaming services, including joint and common costs. The Commission shall also take into account the need to prevent permanent roaming or anomalous or abusive use of wholesale roaming access for purposes other than the provision of regulated roaming services to roaming providers' customers while the latter are periodically travelling within the Union.

2 By 15 June 2016, the Commission shall submit a report to the European Parliament and to the Council on the findings of the review referred to in paragraph 1.

That report shall be accompanied by an appropriate legislative proposal preceded by a public consultation, to amend the wholesale charges for regulated roaming services set out in this Regulation or to provide for another solution to address the issues identified at wholesale level with a view to abolishing retail roaming surcharges by 15 June 2017.

3 In addition, the Commission shall submit a report to the European Parliament and to the Council every two years after the submission of the report referred to in paragraph 2. Each report shall include, inter alia, an assessment of:

- a the availability and quality of services, including those which are an alternative to regulated retail voice, SMS and data roaming services, in particular in the light of technological developments;
- b the degree of competition in both the retail and wholesale roaming markets, in particular the competitive situation of small, independent or newly started operators, including the competition effects of commercial agreements and the degree of interconnection between operators;
- c the extent to which the implementation of the structural measures provided for in Articles 3 and 4 has produced results in the development of competition in the internal market for regulated roaming services.

4 In order to assess the competitive developments in the Union-wide roaming markets, BEREC shall regularly collect data from national regulatory authorities on the development of retail and wholesale charges for regulated voice, SMS and data roaming services. Those data shall be notified to the Commission at least twice a year. The Commission shall make them public.

Status: Point in time view as at 29/11/2015.

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)

On the basis of collected data, BEREC shall also report regularly on the evolution of pricing and consumption patterns in the Member States both for domestic and roaming services and the evolution of actual wholesale roaming rates for unbalanced traffic between roaming providers.

BEREC shall also annually collect information from national regulatory authorities on transparency and comparability of different tariffs offered by operators to their customers. The Commission shall make those data and findings public.]

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 \(Text with EEA relevance\).](#)

Article 20

Notification requirements

Member States shall notify to the Commission the identity of the national regulatory authorities responsible for carrying out tasks under this Regulation.

Article 21

Repeal

Regulation (EC) No 717/2007 is repealed in accordance with Annex I with effect from 1 July 2012.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 22

Entry into force and expiry

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union* and its provisions shall apply from that day save as otherwise provided for in specific Articles.

It shall expire on 30 June 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Status:

Point in time view as at 29/11/2015.

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.