Basic information

2021/0045(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Roaming Regulation Repealing Regulation 2012/531 2011/0187(COD) **Subject** 3.30.05 Electronic and mobile communications, personal communications 4.60.06 Consumers' economic and legal interests **Legislative priorities** Joint Declaration 2021	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	WINZIG Angelika (EPP)	19/03/2021
	Shadow rapporteur HAJŠEL Robert (S&D) BILBAO BARANDICA Izaskun (Renew) SOLÉ Jordi (Greens/EFA) TOŠENOVSKÝ Evžen (ECR) BORCHIA Paolo (ID) MATIAS Marisa (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection (Associated committee)	SCHWAB Andreas (EPP)	18/11/2021

Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
JURI Legal Affairs	AUBRY Manon (The Left)	01/07/2021

Council of the European Union

European Commission	**Commission DG**	**Commissioner**
	Communications Networks, Content and Technology	BRETON Thierry
European Economic and Social Committee		

Key events

Date	Event	Reference	Summary
24/02/2021	Legislative proposal published	COM(2021)0085	Summary
24/03/2021	Committee referral announced in Parliament, 1st reading		
10/06/2021	Referral to associated committees announced in Parliament		
14/10/2021	Vote in committee, 1st reading		
14/10/2021	Committee decision to open interinstitutional negotiations with report adopted in committee		
15/10/2021	Committee report tabled for plenary, 1st reading	A9-0286/2021	Summary
18/10/2021	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
20/10/2021	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
26/01/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2021)005968 PE703.060	
23/03/2022	Debate in Parliament		
24/03/2022	Decision by Parliament, 1st reading	T9-0089/2022	Summary
24/03/2022	Results of vote in Parliament		
28/03/2022	Act adopted by Council after Parliament's 1st reading		
06/04/2022	Final act signed		
13/04/2022	Final act published in Official Journal		

Technical information

Procedure reference	2021/0045(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation 2012/531 2011/0187(COD)
Legal basis	Rules of Procedure EP 113 Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165

Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/9/05477

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE692.937	25/05/2021	
Amendments tabled in committee		PE694.950	23/06/2021	
Committee opinion	IMCO	PE692.718	14/07/2021	
Committee draft report		PE697.557	16/09/2021	
Committee report tabled for plenary, 1st reading/single reading		A9-0286/2021	15/10/2021	Summary
Text agreed during interinstitutional negotiations		PE703.060	15/12/2021	
Text adopted by Parliament, 1st reading/single reading		T9-0089/2022	24/03/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2021)005968	15/12/2021	
Draft final act	00086/2021/LEX	06/04/2022	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0085	24/02/2021	Summary
Document attached to the procedure	SEC(2021)0090	25/02/2021	
Document attached to the procedure	SWD(2021)0027	25/02/2021	
Document attached to the procedure	SWD(2021)0028	25/02/2021	
Document attached to the procedure	SWD(2021)0029	25/02/2021	
Commission response to text adopted in plenary	SP(2022)214	02/05/2022	
Follow-up document	SWD(2023)0144	15/05/2023	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_SENATE	COM(2021)0085	16/06/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1368/2021	07/07/2021	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	25/10/2021
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Other Members

Transparency		
Name	**Date**	**Interest representatives**
DE MEO Salvatore	04/06/2021	TIM

Final act
Regulation 2022/0612 OJ L 115 13.04.2022, p. 0001

Roaming Regulation

2021/0045(COD) - 15/10/2021 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted a report by Angelika WINZIG (EPP, AT) on the proposal for a regulation of the European Parliament and of the Council on Roaming on public mobile communications networks within the Union (recast).

As a reminder, this proposal for a recast of Regulation (EU) No 531/2012 on public mobile communications networks within the EU aims to extend the rules applicable to the EU-wide roaming market until 30 June 2032, while adjusting the maximum wholesale charges to ensure sustainability of the provision of retail roaming services at domestic prices, introducing new measures to increase transparency and ensuring a genuine ‘roam-like-at-home’ experience in terms of quality of service and access to emergency services while roaming.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Transparency obligations

In order to ensure increased transparency and customer protection while travelling, e.g. by **plane and marine vessels**, and to protect from unexpected high bills from inadvertent connection with non-terrestrial networks with automatic handover, the report proposed to extend transparency obligations to these specific situations.

Quality of service

Unless not feasible technically, the roaming services should be provided to customers under the same conditions as if such services were consumed domestically. Therefore, Members stressed that clear and comprehensible information regarding different elements of the quality of service while roaming should be included in customers' contracts. The contract should also include information on the procedure for the filing of complaints available in cases where the quality of service does not correspond to the terms of the contract.

Customer protection

The roaming customer should receive information about any **additional charges** when using non-terrestrial networks on board aircrafts or marine vessels. Moreover, the report proposed that providers should actively give their customers, provided that the latter are located in the EU, on request and free of charge, additional information on the per-minute, per-text message or per-megabyte data charges (including VAT) for the making or receiving of voice calls and also for the sending and receiving of text messages and data communication services in the visited Member State.

Cut off limits

Customers living in border regions should not receive unnecessarily high bills due to inadvertent roaming, including for the use of non-terrestrial networks on board aircraft or marine vessels. Roaming providers should therefore take necessary measures such as **cut-off limits** as well as **opt-in or opt-out mechanisms** to roam in a network outside the EU, where technically feasible.

Free emergency calls

Members suggested that roaming providers should inform roaming customers of the possibility to access emergency services free of charge by calling the **single European emergency number '112'** and by alternative means of access through emergency communications technically feasible to be used by roaming customers, particularly by those with disabilities.

Roaming in third countries

EU citizens still face very high roaming fees when using mobile connections in third countries. In particular, citizens and businesses in external border regions would benefit greatly from roaming provisions with neighbouring countries similar to those in the EU. The Commission is therefore encouraged to include 'roam-like-at-home' provisions in future international agreements with third countries, in particular with regard to third countries directly bordering the Union. Bilateral agreements between operators in the Union and in third countries should be encouraged with the aim of minimising costs on the wholesale and at the retail level.

BEREC

BEREC should assess, on an ongoing basis, the regulatory framework for consumers, businesses and operators to ensure access to next generation connectivity such as 5G as well as future networks and technologies. It should establish and maintain a **single Union-wide database** containing the means of access to emergency communications that are mandated in each Member State. The database is intended to provide transparency to enable national regulatory authorities and operators to have direct access to information about how to access emergency communication in all Member States. The database should be made accessible for national regulatory authorities and operators by 31 December 2022.

The Commission should submit **biennial reports** to the European Parliament and to the Council which should be accompanied by a legislative proposal addressing any change of circumstances within the roaming market. The first such report shall be submitted by 30 June 2025.

Roaming Regulation

2021/0045(COD) - 24/03/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 581 votes to 2, with 5 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on Roaming on public mobile communications networks within the Union (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter and scope

The Regulation provides for a common approach for 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.

In addition, the Regulation:

- sets out the conditions for wholesale access to public mobile communications networks for the purpose of providing regulated roaming services;

- applies both to charges levied by network operators at wholesale level and to charges levied by roaming providers at retail level;

- aims to increase transparency and improving the provision of information on charges to users of roaming services, including users of non-regulated roaming services in third countries. It also increases transparency for users of non-regulated roaming services when they connect to a non-terrestrial public mobile communications network, such as on board vessels or aircraft, where applicable.

Extension of the roaming regime at national rates until 2032

The regime abolishing all roaming charges expired on 30 June 2022. The validity of this Regulation will be for a fixed period of **10 years**, until 2032, in order to provide certainty to the market and to minimise regulatory burdens. The Regulation introduces a requirement for the Commission to conduct **reviews** and report to the European Parliament and the Council in 2025 and 2029, followed, if appropriate, by a legislative proposal to amend this Regulation, should market developments so require.

Provision of regulated retail roaming services

Roaming providers will not offer regulated retail roaming services under conditions that are **less advantageous than those offered domestically**, in particular in terms of the quality of service provided for in the retail contract, where the same generation of mobile communications networks and technologies are available on the visited network. Mobile communication operators will avoid unreasonable delays in handovers between networks at internal Union border crossings.

Wholesale charges for regulated data roaming services

The wholesale charge for making **regulated roaming calls** will be limited to EUR 0.022 per minute. This maximum wholesale charge will be reduced to EUR 0.019 per minute on 1 January 2025 and will remain at EUR 0.019 per minute until 30 June 2032.

The wholesale charge for regulated roaming **SMS** messages will be limited to EUR 0.004 per SMS. This maximum wholesale charge will be reduced to EUR 0.003 per SMS on 1 January 2025 and will remain at EUR 0.003 until 30 June 2032.

Wholesale charges for regulated **data roaming services** will be limited to EUR 2.00 per gigabyte of data transmitted. This maximum wholesale charge will be gradually reduced to EUR 1.00 in 2027, after which it will remain at EUR 1.00 per gigabyte of data transmitted until 30 June 2032.

If roaming consumers exceed their contractual limits, any additional charges will not exceed the wholesale roaming price limit.

Transparency of retail conditions for roaming calls and SMS messages

Roaming service providers should be required to:

- provide roaming customers, when they enter a Member State other than that of their home provider, with information, **free of charge and as soon as possible, via an automatic message**, on the potential risk of being charged a higher price when using value-added services, except where the roaming customer has notified his roaming provider that he does not wish to avail himself of this service;

- take all reasonable steps to protect their customers from paying additional charges for voice calls and SMS messages for **inadvertently connecting** to non-terrestrial public mobile networks.

Transparency with regard to the means of access to emergency services

The roaming provider will be required to inform the roaming customer, by means of an automatic message, that the latter may access emergency services free of charge by calling the **single European emergency number '112'**. That message will also provide the roaming customer with a link to access, free of charge, accessible to **persons with disabilities**, which provides information on alternative means of access to emergency services through emergency communications mandated in the visited Member State.

By 31 December 2022, BEREC should establish, and subsequently maintain: (a) a single, Union-wide database of numbering ranges for value-added services in each Member State; and (b) a single, Union-wide database of means of access to emergency services that are mandated in each Member State and that are technically feasible to be used by roaming customers.

Intra-EU communications

Consumers do not always distinguish between access to electronic communications services while roaming, namely where end-users access such services in visited Member States, and intra-EU communications, namely where consumers located in their home Member State make calls or send SMS messages to another Member State. Since 15 May 2019, the retail price, excluding VAT, that can be charged to consumers for regulated intra-EU communications has been capped at EUR 0.19 per minute for calls and EUR 0.06 per SMS message.

The amended text invites the Commission to assess the effects of the existing measures and determine whether and to what extent there is an ongoing need to **reduce the caps** to protect consumers. That assessment should take place at least one year before the expiry of those measures on 14 May 2024.

Roaming Regulation

2021/0045(COD) - 24/02/2021 - Legislative proposal

PURPOSE: to extend the EU-wide roaming market rules by 10 years to allow citizens to continue to benefit from roaming without additional charges when travelling within the EU.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Commission recently reviewed Regulation (EU) 2015/2120 which amended Regulation (EU) 531/2012 and abolished roaming surcharges from June 2017 for an initial period of five years, subject to fair use of roaming services and the option to apply a sustainability derogation mechanism.

In November 2019, the Commission published its first full review of the roaming market, showing that travellers across the EU have benefited significantly from the end of roaming charges in June 20178. The use of mobile services (data, voice, SMS) while travelling in the EU has increased rapidly and massively, confirming the positive impact of roaming rules.

The review also concluded that the current wholesale and retail regulation is still necessary to ensure the viability of roaming. The Commission is therefore proposing a new regulation to extend the current rules, which expire in 2022, by ten years.

The proposal to revise the existing roaming rules is part of the overarching ambition 'A Europe fit for the digital age' and the specific objective 'Digital for consumers'.

CONTENT: this proposal for a recast of Regulation (EU) No 531/2012 aims to extend the rules applicable to the EU-wide roaming market until 30 June 2032, while adjusting the maximum wholesale charges to ensure sustainability of the provision of retail roaming services at domestic prices, introducing new measures to increase transparency and ensuring a genuine 'roam-like-at-home' experience in terms of quality of service and access to emergency services while roaming.

The proposed amendments to the existing rules are as follows:

Sustainability of roaming for operators

The Commission proposes to set EU-wide wholesale roaming maximum charges for calls made, SMS messages and data at lower levels than those valid until 30 June 2022. The proposal sets out a two-step glide path for the maximum wholesale charges applicable for data, voice and SMS. The new maximum wholesale charges should act as a safeguard level and should ensure that operators can recover their costs.

Increased transparency

The proposed amendments aim to increase transparency at retail level regarding:

- quality of service (by bringing in an obligation for operators to clarify in their contracts with customers the quality of service that they can reasonably expect when roaming in the EU);

- communications on value-added services (by obliging operators to provide, in their contracts with customers, information on the type of services that may be subject to higher charges and similar information in the 'welcome SMS');

- access to emergency services (by bringing in an obligation for operators to include information on the different possibilities to access emergency services when roaming in the 'welcome SMS').

The proposal also aims to increase the level of transparency at wholesale level by creating a centralised EU database of number ranges for value added services. This database would give operators direct access to information on numbering ranges that may lead to higher costs in Member States.

Improving the quality of roaming services offered to travellers

The proposal obliges roaming service providers to ensure, where technically feasible, that roaming services are provided under the same conditions as if they were consumed domestically and mobile network operators to provide access to all available network technologies and generations).

Free-of-charge access to emergency services abroad

The proposed new rules would ensure effective access to emergency services, including by improving information on alternative means available to people with disabilities. To this end, the proposal provides for:

- the obligation for operators to provide in the wholesale agreement all regulatory and technical information needed to implement free-of-charge access to emergency services and free-of-charge caller location;

- the obligation not to levy on the roaming provider any charge related to emergency communications and transmission of caller location information.

The proposal also includes a number of amendments to simplify and reduce the regulatory burden.

Improving the quality of roaming services offered to travellers

The proposal obliges roaming service providers to ensure, where technically feasible, that roaming services are provided on the same terms and conditions as for domestic consumption of those services, and mobile network operators to provide access to all available network generations and technologies.

Free access to emergency services

The proposed new rules would ensure effective access to emergency services, including by improving information on alternative means available to people with disabilities. To this end, the proposal provides for:

- an obligation for operators to provide in the wholesale roaming agreement all regulatory and technical information necessary to implement free access to emergency services and the provision of caller location information free of charge

- an obligation not to charge the roaming provider for emergency calls and the provision of caller location information.

The Directive also includes a number of amendments to simplify and reduce the regulatory burden.