

---

# Mobile roaming: Strengthening customer protections

Proposals for new rules and guidance

---

[Welsh translation available](#)

## **CONSULTATION:**

Publication date: 20 July 2023

Closing date for responses: 28 September 2023

# Contents

---

## Section

1. Overview	1
2. Background	3
3. Summary of customer experiences of roaming and inadvertent roaming	13
4. Proposals	26

## Annex

A1. Responding to this consultation	52
A2. Ofcom's consultation principles	55
A3. Consultation coversheet	56
A4. Consultation questions	57
A5. Current roaming charges	58
A6. Notification proposing amendments to General Condition C3 - roaming requirements	60
A7. Draft guidance on General Condition C3 - roaming requirements	66

# 1. Overview

- 1.1 Informed customers who are confident and able to engage in the market to get the right services for their needs are vital to a well-functioning market. One of our priorities for the year ahead is to continue to work to make sure customers are treated fairly and empowered to make choices that are right for them.
- 1.2 At the end of June 2022, several statutory protections designed specifically to protect customers when roaming, including by increasing price transparency fell away. Since then, we have been reviewing customers' experiences of roaming (both in the EU and more widely) to understand whether customers are adequately protected from potential harms when roaming.
- 1.3 Our evidence indicates that, to make informed decisions about their roaming use, customers need to know when they are roaming and to have timely, clear and accurate information on roaming charges and how they can limit their spend. Our evidence also shows that customers continue to experience inadvertent roaming (when a customer's device connects to a network in a different country even though the customer isn't physically in that country) when abroad or still in the UK. This is a particular issue for customers in Northern Ireland.

## What we are proposing – in brief

### **Requiring providers to send customers roaming alerts so they can make informed decisions and are protected from unexpected bills**

We are consulting on new rules requiring providers to notify customers when they start roaming (both in the EU and rest of world destinations) and for that notification to include clear, comprehensible and accurate:

- personalised information on roaming charges (including specifying any fair use data limits and the time period that apply to any daily charges);
- personalised information on mobile bill limits (if the customer has one and what it is set at) and inform customers how to put one in place or amend it; and
- where to find free to access, clear, comprehensible and accurate additional information on roaming.

While regulatory protections are already in place to ensure that customers are given pricing information and the option to set a mobile bill limit at the time they contract for mobile services, the roaming alert is intended to ensure customers are provided with timely, clear and accurate information at the point of roaming. It should ensure they can make an informed decision about the use of roaming services and mobile bill limits, helping to protect customers from harms such as unexpected roaming bills.

Our proposals take account of providers' current practice to provide alerts to customers at the point of roaming and customer research findings on the information customers reasonably need to make informed decisions about roaming. Our proposals aim to set out clearly Ofcom's expectations on price transparency and in some places, go further than some providers' current practice. For example, we are proposing that providers' notifications include information about how customers can set a mobile bill limit, any fair use data limit that applies in their case, and the time period that applies to any charges billed on the basis of time.

#### **Requiring providers to protect customers against the impact of inadvertent roaming**

Our proposals on roaming alerts should ensure that customers are alerted to the fact that they are roaming, including where this is inadvertent. However, considering the potential for harm and to help protect customers from the impacts of inadvertent roaming we are also proposing to require providers to:

- have measures in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while they are in the UK (e.g. through the use of a special tariff).
- provide clear, comprehensible and accurate information to customers about the above measures and also how to avoid inadvertent roaming in and outside of the UK, particularly in border regions.

This approach takes account of providers' current practices such as special tariffs or treating certain roaming usage as UK usage which protects customers from the impact of inadvertent roaming while in the UK. This will particularly benefit customers in Northern Ireland who can experience inadvertent roaming on a regular basis.

#### **Guidance setting out expectations and examples of good practice**

We are also consulting on draft guidance on our proposed roaming rules to provide greater clarity to providers on how they can comply as well as to promote good practice. This includes examples of roaming alerts and steps that providers are already taking to help customers in Northern Ireland protect themselves from inadvertent roaming (e.g. treating Ireland usage as UK usage).

- 1.4 We recognise that providers already take several steps to protect customers from unexpected roaming bills, including from inadvertent roaming, and we have – as part of this consultation – considered a range of options including the option of no regulation. Our provisional view is that targeted regulation, which sets out clearly Ofcom's expectations while providing a degree of flexibility for providers (where relevant), is both appropriate and proportionate to protect the interests of customers.

## **Next steps**

- 1.5 The details of our proposed rules are set out in Annex 6 and explained in Section 4. Our draft guidance is set out in Annex 7. We invite responses to this consultation by 5pm on 28 September 2023. We plan to publish our final decision in early 2024.

## 2. Background

- 2.1 This section describes how customer protections for mobile roaming have evolved, the aim and scope of our work in this area, and the relevant legislative and market context we have considered to inform this consultation on proposed new rules and guidance.<sup>1</sup>

### **There have been roaming specific customer protections in place since 2007 but for UK customers these fell away from July 2022**

- 2.2 The European Union (EU) put in place roaming regulations (the Roaming Regulations) in 2007.<sup>2</sup> Initial protections focused on roaming within the EU but were strengthened over time with certain protections applying to rest of world destinations. The rules were aimed at addressing customer harms related to roaming including helping residential and business customers to make informed roaming decisions, protect against unexpectedly high roaming bills (e.g. surcharge free EU roaming subject to ‘fair use’ and wholesale price caps for EU roaming) and protect against inadvertent roaming.<sup>3 4</sup>
- 2.3 At the end of the EU exit transition period, the UK Government retained a subset of the EU Roaming Regulations in domestic law (the Retained Roaming Regulations).<sup>5</sup> The Retained Roaming Regulations maintained rules aimed at increasing price transparency and improving the provision of information on charges to customers of roaming services. For example, roaming providers were required to:
- automatically provide a message, free of charge, to customers whenever they started roaming (and which was easy for customers to opt out/back in to receiving). That message needed to include basic personalised price information for the use of roaming calls, texts and data that was easy to understand. The information needed to be available by voice call for blind or partially sighted customers.
  - make available more detailed pricing information on roaming services by means of a free of charge voice call or text.
  - keep customers adequately informed about the risk of automatic and uncontrolled data roaming connections/downloads, data roaming charges and how to switch off automatic data roaming.
  - provide consumers with the option of setting a financial or volume limit on data roaming services (including by setting a default financial limit of £45 (excluding VAT) per monthly billing period) which could not be exceeded without the customer’s

---

<sup>1</sup> Mobile roaming is specific to mobile devices and therefore throughout this consultation when we refer to ‘providers’ we mean ‘mobile providers’.

<sup>2</sup> [Regulation \(EC\) No 717/2007](#).

<sup>3</sup> [Regulation \(EU\) 531/2012](#) (as amended by [Regulation \(EU\) 2015/2120](#)).

<sup>4</sup> Inadvertent roaming occurs when you are in one country and your device connects to the network in another country (e.g. in border regions). It particularly impacts customers in Northern Ireland while in the UK but can affect anyone.

<sup>5</sup> Regulation (EU) 531/2012 became retained EU law after the end of the EU exit transition period. It was modified by [The Mobile Roaming \(EU Exit\) Regulations 2019](#) and protections including surcharge free periodic EU roaming and wholesale price caps for EU roaming fell away.

- explicit consent. Providers were also required to notify customers when they reach 80% and 100% of that limit.
  - make available information on how to avoid inadvertent roaming in border regions and take reasonable steps to protect customers from paying inadvertent roaming charges while in the UK.
- 2.4 The Retained Roaming Regulations included the original sunset clause from the EU rules of 30 June 2022 which meant that, for UK customers, these roaming rules fell away from July 2022.
- 2.5 The Retained Roaming Regulations did not include any pricing protections and since 1 January 2021, providers have had commercial flexibility on the retail prices they can charge in the EU.<sup>6</sup> Most providers have used this freedom to bring in daily charges for EU roaming.

## **We want providers to ensure that customers are adequately protected when roaming**

### **This consultation and our policy objective**

- 2.6 With the Retained Roaming Regulations expiring, we wanted to understand customers' experiences of roaming and assess whether any specific roaming customer protections may be needed.
- 2.7 Informed customers are vital to a well-functioning market. One of our priority outcomes for 2023-24 is to deliver '*internet we can rely on*' supported by fairness for customers initiatives to ensure that customers are confident and able to engage in the market to get the right services for their needs.<sup>7</sup>
- 2.8 Specifically for roaming, we want to ensure that customers are adequately protected. This includes customers being able to use their device with confidence when roaming and make informed decisions about roaming and/or using their mobile service when roaming (e.g. by being able to access timely information which is clear, comprehensible and accurate), being able to manage their roaming spend and being protected from any harms associated with unexpected roaming bills and inadvertent roaming.

### **Scope of our review and consultation**

- 2.9 We have sought to understand residential and small business customers' current experiences of roaming, inadvertent roaming, and potential harms (e.g. higher than expected or unexpected bills, customers not using their device while abroad or using it less due to uncertainty over costs).<sup>8</sup> We have also considered whether new roaming protections for residential and small business customers are justified and proportionate

---

<sup>6</sup> Providers already had this flexibility for the retail prices outside of the EU/EEA.

<sup>7</sup> Ofcom, March 2023, Plan of Work 2023-24.

<sup>8</sup> The Retained Roaming Regulations applied to residential and business customers and providers have continued to send roaming alerts to their customers on a voluntary basis.

and, if so, what form these should take.<sup>9</sup> For ease of reference, we generally refer to customers in this consultation to cover consumers, microenterprise or small business customers and not-for-profit customers.<sup>10</sup> For this work, roaming covers public electronic communication services.<sup>11</sup> The rest of this section summarises the existing rules, market context and our legal framework.

## There are rules in place that offer some roaming protections for customers

2.10 There are a range of rules that apply to mobile services and that provide customers with some protections that are particularly relevant to roaming. These include:

- **Contract summary and information** (General Condition (GC) C1.3-C1.7): Residential and small business customers must be provided with a short summary of the main contract terms and a more detailed set of contract information, in writing, before entering the contract. This needs to include details of prices,<sup>12</sup> fair use policies<sup>13</sup> and facilities to monitor bills and usage. These ensure customers get clear information about services before entering a contract and help them make informed choices. Ofcom has provided guidance on rights to exit and roaming.<sup>14</sup>
- **Information publication and transparency** (GC C2.3): Providers must publish specific information for residential and small business customers that includes a description of the services offered, pricing information and standard contract terms. These apply to roaming services as well as services within the UK. These requirements are to promote transparency by ensuring the availability of up to date and comparable information on prices and terms and conditions to help customers compare available offers.
- **Billing information and notifications** (GC C3): Providers are required to make up to date billing information available to residential and business customers (GC C3.7) and provide information that allows customers to understand charges on their bills (including charges related to inadvertent roaming - Metering and billing direction: section 4.6.3.2). Their published tariffs must also make clear what charges will be incurred for international and roaming calls and data and which, if any, such calls are included in bundles or inclusive call plans (Metering and billing direction: section 4.6.3.8).<sup>15</sup> They are also required to notify residential and small business customers

---

<sup>9</sup> Ofcom, 2022, [SME consumer experience in the communications market research](#) showed 64% of businesses with 1 to 9 employees had a residential contract for the phone they used for business purposes (66% for those with 1-4 employees and 24% for those with 5-9 employees). Ofcom, Yonder, 15% used a mobile for business, with 9% using the same phone for both business and personal purposes and the majority of these using their personal phone for business rather than using their business phone for personal purposes.

<sup>10</sup> In the [General Conditions](#), microenterprise or small enterprise customers are defined as businesses with up to 10 employees (and that are not also a communications provider) and not-for-profits customers are bodies where up to 10 individuals work (excluding volunteers). The proposals set out in this consultation do not cover larger business customers.

<sup>11</sup> The proposals set out in this consultation do not cover advertising. Advertising (including online advertising on providers' own websites) falls within the remit of the Advertising Standards Authority (ASA). In considering whether advertising is likely to breach the UK Code of Non-broadcast Advertising and Direct and Promotional Marketing (CAP Code), the ASA has regard to the Consumer Protection from Unfair Trading Regulations 2008 (the 'CPRs').

<sup>12</sup> Including any usage charges for any additional use of services or facilities, or for use of any additional services or facilities not included in the core subscription price.

<sup>13</sup> See Services and equipment section of [Statutory Instrument on Commission Implementing Regulation \(EU\) 2019/2243 of 17 December 2019](#) (as [amended](#)).

<sup>14</sup> Ofcom, May 2021, [Roaming services and customer rights to exit](#).

<sup>15</sup> Ofcom, [Metering and billing direction](#). Applies to providers with a Relevant Turnover of £55 million or above.

when a service included in their tariff plan that is billed on a time or volume basis is fully consumed and the charges they will incur outside of the tariff plan (GC C3.13-C3.14). This applies to the consumption of roaming services billed on a time or volume basis as well as services within the UK. These are to help customers understand what they are being charged for and to control spend.

- **Accessible formats** (GC C5.15-C5.16): Providers need to provide communications, including in relation to roaming services, in a reasonably acceptable format if a customer requests it and requires this because of their disability.<sup>16 17</sup> This is to safeguard the interests of disabled customers and ensure they are given equivalent access to information about their services.
- **Bill limits** (section 124S of the Communications Act (the Act)): providers must offer residential and business customers the option to set a bill limit/cap (referred to in this consultation as a 'mobile bill limit') and notify customers when that limit is likely to be reached (or has been reached) in a billing period.<sup>18</sup> Providers cannot charge a customer in excess of that limit in a billing period unless the customer has agreed to this. This applies to roaming usage as well as mobile usage within the UK.<sup>19</sup> It aims to help customers manage their spend and avoid unexpected bills.

2.11 We have taken account of these rules as part of our assessment for whether further customer protections on roaming are needed (see Section 4).

## The mobile market has changed considerably since 2007

2.12 We have considered how the mobile market in the UK and customers' mobile roaming use has changed since the EU roaming protections were put in place.

### Mobile ownership is commonplace

2.13 Most people now have a mobile phone, with a very high proportion of these being smartphones. In 2023, 97% of UK households had a mobile phone, and of these 94% had a smartphone.<sup>20</sup>

### Mobile data use has increased significantly

2.14 Excluding Machine-to-Machine (M2M) connections,<sup>21</sup> the number of mobile phone subscriptions continued to grow slowly in 2022 and there were around 87 million such

---

<sup>16</sup> Ofcom, May 2023, [General conditions](#).

<sup>17</sup> The requirements in GC C5.15 and C5.16 on providing communications in an accessible format applies to all communications (other than marketing communications) that relate to a subscriber's services including the contract summary and information. It is broader in scope than the accessible format provisions that were previously required under the Retained Roaming Regulations.

<sup>18</sup> Ofcom, November 2017, [Mobile bill limits implementation](#).

<sup>19</sup> The mobile bill limit provisions in the Act apply to all mobile services including calls, texts and data. The default data roaming limit that was previously required under the Retained Roaming Regulations was narrower and only applied to data roaming services.

<sup>20</sup> Ofcom, 2023, [Technology Tracker](#). Table 46 QM1 "Is there a mobile phone in your household which is used to make and receive calls?" and Table 47 QM2 "Are any of the mobile phones in your household a smartphone?".

<sup>21</sup> M2M connection refers to machine-to-machine connections using a cellular network, which are automated mobile connections between two non-human endpoints.



subscriptions at the end of 2022.<sup>22</sup> Data use has been increasing with average monthly data use per mobile data user (excluding M2M) at 8.1 GB per month in 2022 – a 24% increase on the previous year.<sup>23</sup> Mobile data use is expected to continue to increase going forwards.

- 2.15 In contrast the average monthly call minutes has increased more slowly over the past ten years (and fell in 2021 and 2022) and the average number of text messages has been declining.<sup>24</sup>
- 2.16 Prices for new mobile contracts have continued to fall, despite increasing data use. The average monthly cost of a new mobile contract (excluding handset cost) based on average call, text and data use in 2022 was 12% lower in real terms than the average cost of a contract based on average use in 2020, despite a 52% increase in data use (in nominal terms it was 2% lower).<sup>25</sup>

### Foreign travel is increasing again

- 2.17 UK residents made around 62 million trips abroad in the 12 months to September 2022<sup>26</sup> with most customers who travel abroad using their phone when they do so.<sup>27</sup> In the twelve months to December 2022, UK mobile customers used a total of 1,781 million minutes of roaming calls, sent 179 million roaming text messages and used 80,871 TB of data while roaming.<sup>28</sup>
- 2.18 Historically roaming charges were very high both for EU and Rest of World destinations. However, while the EU regulations covering surcharge free roaming subject to ‘fair use’ were in place, customers could use their UK allowances while travelling in the EU. Since 1 January 2021, providers have had commercial flexibility on the retail prices they can charge in the EU. While some providers have continued to offer surcharge free roaming in the EU (subject to fair use), other providers have re-introduced charges (e.g. daily charges of £2 to £2.30 to use UK allowances when periodically roaming in the EU). Sections 3 and 4 and Annex 5 consider current roaming charges in more detail.

## Legal framework

- 2.19 We set out below our powers and duties that are relevant to the proposals set out in this consultation. We explain how we propose to exercise these powers and take account of these duties in the context of our proposals in Section 4.

---

<sup>22</sup> Ofcom, July 2023, [Communications Market Report](#).

<sup>23</sup> Ofcom, July 2023, [Communications Market Report](#). Note that customer data use varies between providers.

<sup>24</sup> Ofcom, July 2023, [Communications Market Report: Interactive Data](#).

<sup>25</sup> Based on average use, Ofcom, December 2022, [Pricing trends for communications services in the UK](#).

<sup>26</sup> ONS Travel and Tourism Data, January 2023.

<sup>27</sup> [Mobile Roaming Research 2022](#), Yonder. Q9: Which of the following activities did you do/do you intend to do on your mobile phone while you were outside the UK during the past 12 months/travel outside the UK in the next 6 months? - While connected to a mobile network. Base: All who have travelled outside of the UK in the last 12 months or will travel in the next 6 months (872).

<sup>28</sup> Data provided by mobile providers to Ofcom as part of its programme of regular market data collection.

## Our general duties

- 2.20 The Act places several duties on us that we must fulfil when exercising the regulatory functions we have been given.
- 2.21 Section 3(1) of the Act states that it shall be our principal duty, in carrying out our functions:
- a) to further the interests of citizens in relation to communication matters; and
  - b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.<sup>29</sup>
- 2.22 In performing our duties under section 3(1) of the Act, we are required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, as well as any other principles appearing to us to represent best regulatory practice (section 3(3) of the Act).
- 2.23 Section 3(4) of the Act provides that we must have regard, in performing our duties, to a number of matters, as they appear to us to be relevant in the circumstances, including the desirability of promoting competition in relevant markets; the desirability of encouraging investment and innovation in relevant markets; the needs of persons with disabilities, of the elderly and of those on low incomes; the opinions of consumers in relevant markets and of members of the public generally; the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and urban areas; and the extent to which, in the circumstances of the case, the furthering or securing of the matters mentioned in section 3(1) is reasonably practicable.
- 2.24 In addition, section 3(5) of the Act requires that, when performing our duty to further the interests of consumers, we must have regard, in particular, to the interests of those consumers in respect of choice, price, quality of service and value for money.
- 2.25 As required by section 2B(2)(a) of the Act, we also need to have regard to the UK Government's Statement of Strategic Priorities (SSP) for telecommunications, management of radio spectrum and postal services.<sup>30</sup> The SSP sets out that the Government's strategic priorities for current and future telecoms consumers include to:
- Tackle harmful industry practices and improve the support available to vulnerable consumers, who can pay more than others.
  - Address the difficulties that customers experience in navigating the communications market by giving them the right data, information, and support to boost their engagement.

---

<sup>29</sup> 'Consumer' is defined in section 405(5) of the Act and includes people acting in their personal capacity or for the purposes of, or in connection with, a business.

<sup>30</sup> DCMS, October 2019. [Statement of Strategic Priorities](#).

- 2.26 The SSP also states that Ofcom should continue to take all opportunities to improve the consumer experience in the telecoms sector, particularly for vulnerable consumers, including those with disabilities.

## **Powers and duties in relation to general conditions**

- 2.27 Section 45 of the Act says that we may set general conditions which contain provisions authorised or required by one or more of sections 51, 52, 57, 58 or 64. Section 46 of the Act makes clear that such conditions may apply generally either (a) to every person providing an electronic communications network or electronic communications service; or (b) to every person providing such a network or service of a particular description specified in the condition.
- 2.28 Under section 51(1)(a), we may set general conditions making such provision as we consider appropriate for the purpose of protecting the interests of the end-users of public electronic communications services.
- 2.29 Section 51(2) sets out a non-exhaustive list of the types of general conditions that we may set in pursuance of this purpose. This includes:
- conditions relating to the supply, provision or making available of goods, services or facilities in association with the provision of public electronic communications services (section 51(2)(a));
  - conditions to provide protection for end-users that is the same as, or similar to, any protection that was required by Title III of Part III of the EECC immediately before the end of the transition period (section 51(2)(b));
  - conditions to specify requirements in relation to the provision of services to disabled end-users (section 51(2)(c)); and
  - conditions which require the provision, free of charge, of specified information, or information of a specified kind, to end-users (section 51(2)(d)).
- 2.30 Section 47(2) of the Act governs the circumstances in which we can set or modify a general condition. It states that such a condition can be set or modified where it is not such as to discriminate unduly against particular persons or against a particular description of persons, proportionate to what the condition or modification is intended to achieve, and transparent in relation to what it is intended to achieve.<sup>31</sup>
- 2.31 Section 4(2) of the Act requires Ofcom to act in accordance with six requirements described when carrying out certain functions, including those in relation to setting or modifying general conditions as set out above. These requirements include a) to promote competition in the provision of electronic communications services; b) to promote the interests of all members of the public in the United Kingdom; and c) to promote connectivity and access to very high-capacity networks by members of the public and businesses in the United Kingdom.

---

<sup>31</sup> Section 47(3) states that the setting of a general condition is not subject to the test of being objectively justifiable, although we are likely to consider this in any event when assessing whether the condition is proportionate.

## Trade agreements

- 2.32 The UK has a number of free trade agreements in place with principles around promoting transparency and ensuring that information on roaming charges is easily accessible e.g. the UK-EU Trade and Cooperation Agreement and the UK-Australia Fair Trade Agreement.<sup>32</sup> Additionally the Norway, Iceland and Liechtenstein and UK trade agreement includes provisions for agreeing a cap on the wholesale charges providers will be allowed to charge each other for roaming between Norway, Iceland and the UK. These agreements form part of the broader context.

## Impact assessment

- 2.33 The analysis presented in the entirety of this consultation represents an impact assessment, as defined in section 7 of the Act. The following sections of this document include our analysis and identify the potential benefits and risks associated with our proposals and the extent to which we expect our proposals achieve our policy objectives.
- 2.34 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policymaking. This is reflected in section 7 of the Act, which means that generally we must carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the public, or when there is a major change in our activities. However, as a matter of policy we are committed to carrying out and publishing impact assessments in relation to most of our policy decisions.
- 2.35 For further information about our approach to impact assessments, see the guidelines, 'Better policy-making: Ofcom's approach to impact assessment'.<sup>33</sup> Specifically, pursuant to section 7(4), an impact assessment must set out how, in our opinion, the performance of our general duties (within the meaning of section 3 of the Act) is secured or furthered by or in relation to what we propose.
- 2.36 Section 4 sets out our assessment of different regulatory options to protect the interests of residential and small business customers.<sup>34</sup> We considered the extent to which each option would meet our policy objectives (see paragraphs 2.6 - 2.8 above) as well as the benefits, costs and other risks of each option. The options we consider are:
- a) do nothing and relying on existing rules and voluntary measures (see paragraphs 4.14 - 4.28).
  - b) proposals relating to roaming alerts (see paragraphs 4.29 - 4.39, 4.45 – 4.70, 4.75 – 4.97 and 4.103 to 4.108).

---

<sup>32</sup> Article 181 (International Mobile Roaming), paragraphs 1 – 3, [UK-EU Trade and Cooperation Agreement](#). Article 12.13 (International Mobile Roaming), [UK-Australia Free Trade Agreement](#). Article 3.69 (International Mobile Roaming Services), [UK-Norway, Iceland and Liechtenstein Free Trade Agreement](#).

<sup>33</sup> Ofcom. [Policies and guidelines](#). We recently consulted and published a statement on our [new impact assessment guidance](#). The new guidance applies to new projects commencing from 19 June 2023.

<sup>34</sup> We note that most businesses with one to nine employees are on residential contracts. Ofcom, 2022 [SME Consumer experience in the communications market research](#), Slide 28.

- c) proposals relating to inadvertent roaming (see paragraphs 4.40 - 4.45, 4.71 – 4.87 and 4.98 – 4.108).
- 2.37 We also considered whether the protections should extend to large businesses (i.e. those with more than 10 employees) but are not proposing to do so. Our understanding is that large businesses, particularly those that are significant users of mobile services, are likely to have a stronger bargaining position and be better equipped with the skills and resources to manage their mobile service than residential and small business customers. We note however that providers may in practice choose to extend protections to larger businesses and our proposals would not prevent this.

## Equality Act Impact Assessment

- 2.38 Section 149 of the Equality Act 2010 (the EA 2010) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 2.39 The EA 2010 also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.
- 2.40 Section 75 of the Northern Ireland Act 1998 (the NIA 1998) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the NIA 1998. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.<sup>35</sup>
- 2.41 To help us comply with our duties under the EA 2010 and the NIA 1998, we assess the impact of our proposals on persons sharing protected characteristics and, in particular, whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- 2.42 Our proposals apply to mobile roaming. All customers who roam (whether intentionally or inadvertently, and regardless of their community background or other characteristics) will therefore benefit from mandatory protections, including clear, accurate and timely information about roaming charges and how to limit spend, as well as protections related to inadvertent roaming, regardless of their choice of provider.
- 2.43 However, our proposals are likely to particularly benefit those customers who value roaming alerts more or experience inadvertent roaming on a regular basis. Our research indicates that disabled customers are more likely than non-disabled customers to find most

---

<sup>35</sup> Ofcom, 2019. [Revised Northern Ireland Equality Scheme for Ofcom](#).

types of roaming alerts essential or helpful.<sup>36</sup> <sup>37</sup> Customers in Northern Ireland are more likely than those in the UK as a whole to experience inadvertent roaming.<sup>38</sup> Therefore these customers may benefit from our proposals more than others.

- 2.44 In light of the above, we are satisfied that we have complied with the public sector equality duty in the EA 2010, and the NIA 1998, in making the proposals set out in this consultation.

---

<sup>36</sup> Mobile Roaming Research 2022, Yonder. Q16: How do you feel about receiving the following types of alert? Base: All aware of roaming alerts (629).

<sup>37</sup> Mobile Roaming Research 2022, Yonder. Q16: How do you feel about receiving the following types of alert: Messages when you first begin to roam informing you of charges? Base: All aware of roaming alerts (629). We note that disabled customers and financially vulnerably customers were as likely as all customers aware of roaming alerts to find alerts when first roaming annoying (1%). Our proposals include a requirement for customers to be able to opt in and out of receiving roaming alerts.

<sup>38</sup> Mobile Roaming Research 2022, Yonder. Q27 / [CCNI research 2023](#) Slide 37: Q: Have you experienced unintended roaming in the last 12 months? 1. When travelling outside of the UK (England/Scotland/Wales/Northern Ireland) 2. Within the UK (England/Scotland/Wales/Northern Ireland)? Base: All mobile phone users (Yonder 2,069, CCNI 993). 14% of the Yonder (total UK) sample and 28% of the CCNI (Northern Ireland) sample reported experiencing inadvertent roaming inside and/or outside of the UK in the last 12 months.

## 3. Summary of customer experiences of roaming and inadvertent roaming

3.1 As part of our work to understand residential and business customers' current experiences of roaming and the potential harms associated with roaming, we have considered evidence from a range of sources including:

- customer research (our own online survey of over 2,000 UK adults) and research commissioned by the Consumer Council for Northern Ireland (CCNI), with a sample size of 1,000 which provided information on the specific experiences of mobile customers in Northern Ireland. The sample for the Ofcom and CCNI research included residential and business customers where all business customers also had a residential contract);<sup>39</sup>  
<sup>40</sup>
- responses to a statutory information request;<sup>41</sup>
- information on providers' websites and examples of provider roaming related communications to customers;<sup>42</sup>
- complaints;
- information from the Communications Consumer Panel as well as consumer organisations (e.g. Money Saving Expert (MSE), Which?);<sup>43 44</sup> and
- mobile crowdsourcing data collected by Opensignal.

3.2 This section summarises customers' experiences of roaming and inadvertent roaming.

### Customers' experiences of roaming

#### Large numbers of customers are using mobile roaming services

3.3 Our research shows that:

- just over half (53%) of UK mobile customers have travelled outside the UK in the past 12 months and nearly half (42%) intended to travel in the next six months;<sup>45</sup> and

---

<sup>39</sup> Yonder conducted an [online omnibus survey](#) in November 2022. The sample consisted of 2108 adults aged 16+ who were UK mobile customers. The sample was weighted to be nationally representative of the UK. The sample included both residential (98%) and business (15%) customers where all business customers also had residential contracts. The [data tables](#) are available on our website.

<sup>40</sup> In January 2023, CCNI conducted an online survey of 1000 Northern Ireland mobile customers which was weighted to be representative of the Northern Ireland population. The sample included both residential (99%) and business (13%) customers where all business customers also had residential contracts. CCNI also conducted three online focus groups (6-8 participants) which focused on: customers based in Northern Ireland (general), customers who live in border regions of Northern Ireland and customers based in Northern Ireland who had travelled to Europe in the previous 12 months. CCNI, 2023. See [Mobile roaming experiences of Northern Ireland customers](#).

<sup>41</sup> We issued an information request on 11 October 2022 under section 135 of the Act to the eleven providers with the largest number of mobile customers.

<sup>42</sup> We collected and analysed information from providers' websites between September 2022 and June 2023 and analysed examples of providers' roaming alerts from between August 2022 and June 2023.

<sup>43</sup> MSE, August 2022. [The roaming risk: how lapsed protections could cost consumers](#).

<sup>44</sup> Which?, 2023. [Which response to Ofcom Plan of Work 2023/24](#).

<sup>45</sup> Mobile Roaming Research 2022, Yonder. Q3: Have you travelled outside the UK in the last 12 months? Base: All who use a mobile phone (2,069). Q4: Do you intend to travel outside the UK in the next 6 months? Base: All who use a mobile phone (2,069).

- most of these customers (84%) had/intended to use their mobile phone over a network connection while abroad.<sup>46</sup>

3.4 Information from providers shows that in a typical month between September 2021 and August 2022, 6.9% of all mobile customers roamed in the EU and 2.1% roamed in the rest of the world.<sup>47</sup> Roaming increases during the summer when UK customers are more likely to go on holiday. For example, in August 2022, 11.8% of all mobile customers roamed at least once in the EU and 3.4% in the rest of the world.

### **Roaming alerts are highly valued by customers, particularly customers who are disabled or financially vulnerable**

3.5 There is a high level of awareness of roaming alerts among customers. Our research showed that of those who had used their mobile phone outside the UK in the last 12 months, 94% were aware of roaming alerts and 84% said they had read them.<sup>48</sup>

3.6 As Figure 3.1 below shows, most customers who were aware of roaming alerts found them essential or helpful. The most valued alerts were those sent at the start of roaming informing customers of charges. Of UK customers who were aware of roaming alerts:

- 94% rated alerts when you first begin to roam as either essential or helpful;<sup>49</sup>
- 60% of disabled customers compared to 44% of non-disabled customers rated messages when you begin to roam as essential;
- very few customers (1%) found roaming alerts informing them of charges when they first begin to roam annoying;<sup>50</sup>
- 89% of customers rated messages informing them that they had reached a usage limit as either essential or helpful;<sup>51</sup> and
- 53% of the most financially vulnerable customers compared to 37% of the least financially vulnerable customers rated messages informing you of when a limit is close to being reached as essential.<sup>52 53</sup>

---

<sup>46</sup> Mobile Roaming Research 2022, Yonder. Q9: Which of the following activities did you do/do you intend to do on your mobile phone while you were outside the UK during the past 12 months/travel outside the UK in the next six months? - While connected to a mobile network. Base: All who have travelled outside of the UK in the last 12 months or will travel in the next six months (872).

<sup>47</sup> Mobile providers responses to a statutory information request dated 11 October 2022. Total number of customers that roamed on at least one occasion during 1 September 2021 to 31 August 2022 in the EU and Rest of World. Calculated based only on providers who report monthly data.

<sup>48</sup> Mobile Roaming Research 2022, Yonder. Q15: Are you aware of mobile roaming alerts, and do you read them? Base: All who have used a mobile phone outside the UK in the past 12 months (673).

<sup>49</sup> 47% rated alerts when you first begin to roam as essential and 47% rated them as helpful.

<sup>50</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of mobile roaming alert? Base: All aware of alerts (629).

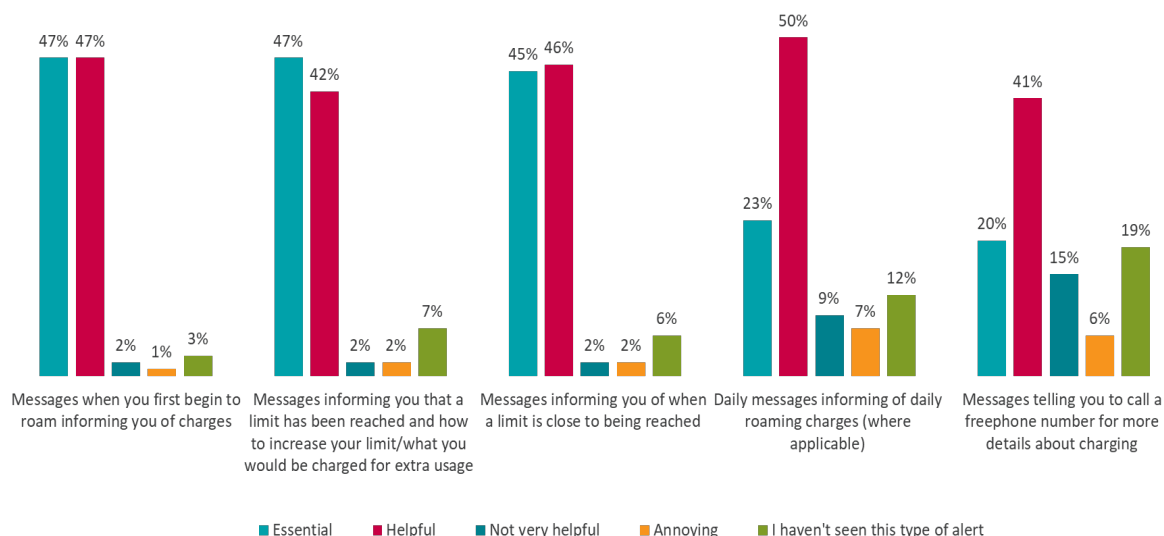
<sup>51</sup> 47% rated messages informing them that they had reached a usage limit as essential and 42% rated them as helpful.

<sup>52</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of mobile roaming alert? Base: All aware of alerts (629).

<sup>53</sup> Respondents providing sufficient personal data (household income and number of children in household) have been allocated to three levels of financial vulnerability: Most, Potentially and Least.



**Figure 3.1: UK customers views of different types of roaming alerts<sup>54</sup>**



The CCNI research supports our finding that roaming alerts are valued by customers and most customers in Northern Ireland who were aware of alerts felt positively about the various types of roaming alerts. For example, 93% of those aware of alerts rated messages when you first begin to roam informing you of charges as either essential or helpful. Overall, 30% of CCNI research respondents aware of alerts found one or more of these types of alerts to be not very helpful or annoying. Almost half of these (49%) said this was because they did not need to be reminded more than once.<sup>55 56</sup>

### Customers find information on roaming charges from a variety of sources, but value alerts highly

- 3.7 Our research found that 18% of customers said they had not or would not take action to research roaming charges before travelling.<sup>57</sup> Of these customers 14% said this was because they expected to receive a message from their provider with details about roaming charges when they arrived in the country they were travelling to.<sup>58</sup>

<sup>54</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of mobile roaming alert? Base: All aware of alerts (629).

<sup>55</sup> [CCNI research 2023](#), Slide 44. Q: How do you feel about receiving the following types of mobile roaming alert ...? Base: All who had used a mobile phone outside the UK in the 12 months prior to the research who were aware of mobile roaming alerts (464).

<sup>56</sup> [CCNI research 2023](#), Slide 45. Q: Why did you find these alerts not very helpful or annoying? Base: All who had used a mobile phone outside the UK in the 12 months prior to the research who found at least some of them not very helpful or annoying (140).

<sup>57</sup> Mobile Roaming Research 2022, Yonder. Q10: Before travelling, did/will you do any of the following? Base: All who have travelled outside of the UK in the last 12 months or will travel in the next 6 months (872).

<sup>58</sup> Mobile Roaming Research 2022, Yonder. Q11: Why didn't you look into mobile roaming/take any action before you travelled? Base: All who have travelled outside of the UK in the last 12 months but did not look into mobile roaming / taken action before travelling (136).

- 3.8 Just under two in five customers (39%) said they used alerts to monitor their usage while abroad.<sup>59</sup>

### Customers still value roaming alerts even if they have researched roaming before travelling

- 3.9 Our research found that most customers (82%) said that before travelling they did or would do something to look into mobile roaming and potential charges. When customers were asked to select all options that applied, our research found that:
- 41% of customers said they would look on their provider's website for information about roaming charges;
  - 40% looked at general information on roaming on their provider's website;
  - 30% said they would look at their phone contract to find information about roaming charges;
  - 25% said they would switch off data roaming to avoid charges; and
  - 18% of customers said they would ask friends or family about roaming costs.<sup>60</sup>
- 3.10 We note that some of these actions may not provide customers with accurate information (e.g. asking friends or family who may not be aware of the customer's tariff or recent price changes). We also note that information provided by MSE and our review of providers' websites highlighted substantial differences in the ease of accessing information on roaming charges. There was also mixed quality and clarity of information provided on roaming. For example:
- Customers needing to know when they took out their contract or the name of their plan to determine whether roaming is included or if they must pay a daily charge to roam;
  - A lack of clarity on the time period that applies to roaming charges e.g.
    - where there is a reference to a daily charge but no explanation if that means 24-hours from first use, midnight to midnight local time, or midnight to midnight UK time; or
    - specifying different time periods apply to roaming charges but without explaining which periods apply to which customers.
  - The language used on some providers' websites described inclusive EU roaming tariffs as 'roam free' or 'roam like at home' but without specifying applicable fair use limits; and
  - Key information can be difficult to identify on some providers' websites which requires customers to click through multiple links or search through a long list of terms and conditions.<sup>61 62</sup>

---

<sup>59</sup> Mobile Roaming Research 2022, Yonder. Q13: When you are outside of the UK, which, if any of the following do you do to keep an eye on the amount of data, voice minutes and texts you have used? Base: All who have used their mobile phone abroad in the last 12 months while connected to a mobile network (579).

<sup>60</sup> Mobile Roaming Research 2022, Yonder. Q10: Before travelling, did/will you do any of the following? Base: All who have travelled outside of the UK in the last 12 months or will travel in the next 6 months (872).

<sup>61</sup> MSE, 2023. [Response to Ofcom's plan of work 2023-24](#).

<sup>62</sup> Ofcom analysis of providers' websites carried out between September 2022 and June 2023.

3.11 Our research shows that roaming alerts were valued even when customers have researched roaming before travelling:

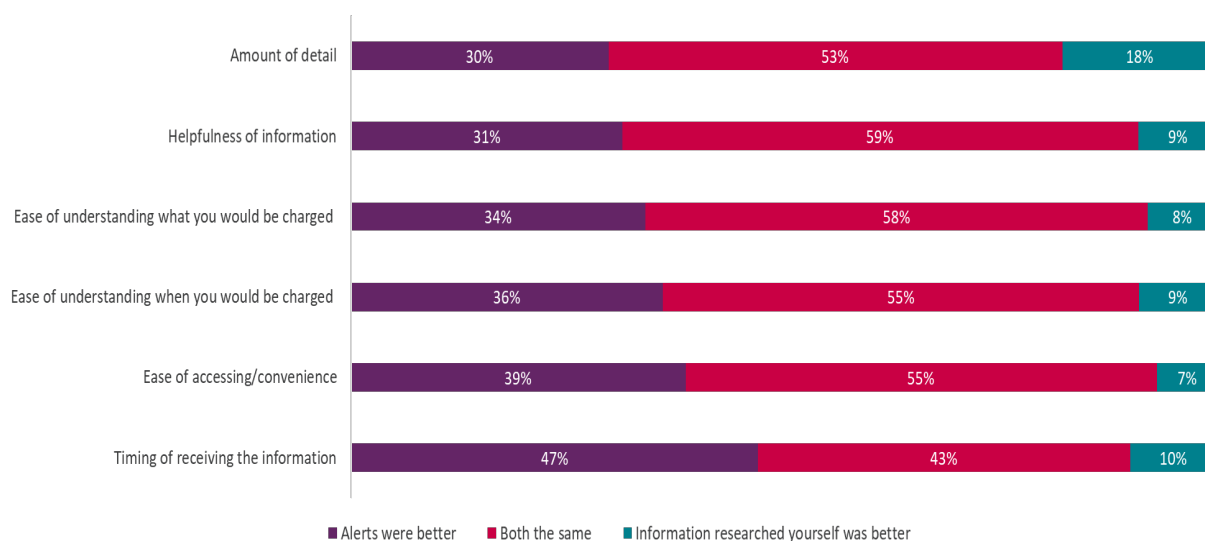
- Most customers who had researched roaming before travelling and were aware of alerts were positive about the information contained in the alerts:
  - 94% said messages informing you when you first begin to roam are essential or helpful;
  - 91% said this of messages informing you that a limit is close to being reached; and
  - 89% said this of messages informing you that a limit had been reached and instructions of how to increase your limit/what you will be charged for further use.<sup>63</sup>
- Figure 3.2 below shows that most customers who were aware of alerts and had looked into roaming before travelling considered the information in roaming alerts about how much they would be charged to be as good as or better than the information they had found themselves before travelling. Where customers found the information in the roaming alerts better:
  - 47% of customers said the timeliness of receiving the information on what they would be charged was better than their own research;
  - 39% said the ease of accessing the information/the convenience of the roaming alert was better than their own research;
  - Customers said the ease of understanding when you would be charged (36%) and the ease of understanding what you would be charged (34%) were better in the alerts compared to their own research.<sup>64</sup>

---

<sup>63</sup> Extra analysis of Q16 Mobile Roaming Research 2022, Yonder data. Customers who were aware of alerts and who had researched roaming prior to travel.

<sup>64</sup> Mobile Roaming Research 2022, Yonder. Q22: How did the information in the alerts you received when you were outside the UK compare with the information you researched yourself about when or how much you would be charged to use your mobile outside of the UK? Base: All who have read the alerts and looked into roaming before travelling (456).

**Figure 3.2: Customer views on how roaming alerts compare to information they researched themselves<sup>65</sup>**



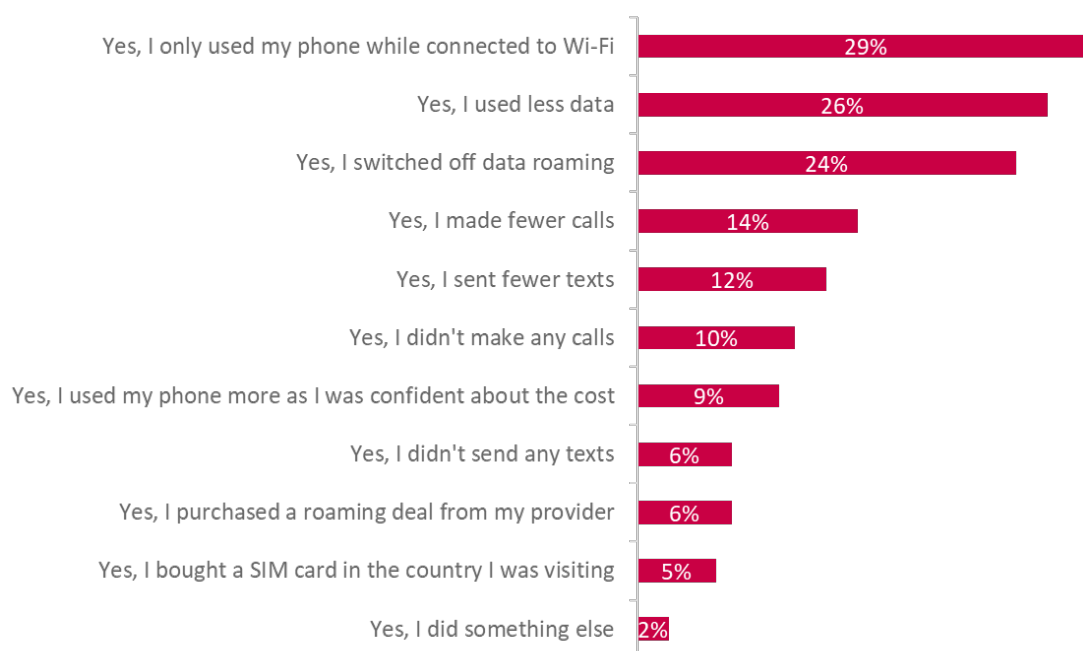
### Roaming alerts empower customers to change their behaviour when roaming

3.12 Our research found that of the UK customers who read the roaming alerts, 72% modified their behaviour because of receiving the roaming alert and Figure 3.3 shows the actions customers took. The most common actions were to reduce data usage by only connecting to Wi-Fi while travelling (29%), to use less data (26%) and to switch off data roaming (24%). However, we note that 9% of customers said they used their phone more as they were confident about the cost.<sup>66</sup>

<sup>65</sup> Mobile Roaming Research 2022, Yonder. Q22: How did the information in the alerts you received when you were outside the UK compare with the information you researched yourself about when or how much you would be charged to use your mobile outside of the UK? Base: All who have read the alerts and looked into roaming before travelling (456).

<sup>66</sup> Mobile Roaming Research 2022, Yonder. Q19: Did you do any of the following as a result of seeing the information in the alerts? Base: All who have read alerts (557).

**Figure 3.3: Actions customers took after receiving roam alert messages<sup>67</sup>**



### There are gaps in customers' knowledge of roaming charges

- 3.13 Our research found that 19% of UK mobile customers who had travelled outside the UK in the last 12 months or intended to do so in the next 6 months did not know if they would be charged when travelling to the EU/EEA and 30% for the rest of the world. Even when customers are aware that charges apply, 16% of UK mobile customers travelling to EU/EEA did not know how much they would be charged, and this was 25% for those travelling to rest of world destinations.<sup>68</sup>
- 3.14 We note that roaming charges and the packages available to customers vary between providers. Overall EU roaming charges remain relatively low, with some providers still allowing customers to use their UK call/text/data allowance at no extra charge while roaming in the EU or by charging a daily fee of between £2 and £2.30 to be able to use UK allowances when roaming in the EU. However, most providers have a fair use data roaming limit and this may be set considerably lower than their UK allowance (e.g. unlimited UK data but 5GB fair use data roaming limit). Charges for roaming beyond fair use data roaming limits are generally between £3 per GB and £3.60 per GB within the EU.
- 3.15 Outside of the EU, roaming charges are typically much higher and there can be substantial differences between the charges applied based on the country and provider.<sup>69</sup>

<sup>67</sup> Mobile Roaming Research 2022, Yonder. Q19: Did you do any of the following as a result of seeing the information in the alerts? Base: All who have read alerts (557).

<sup>68</sup> Mobile Roaming Research 2022, Yonder. Q23: Do you know what you will be charged for using your mobile phone in countries outside of the UK? Base: All who have travelled outside of the UK in the last 12 months or will travel in the next 6 months (872).

<sup>69</sup> Analysis of information published on provider websites September 2022 and June 2023.

- Pay-monthly customers who use their device a typical amount while roaming would be charged between £0 and £15.75 for their weekly mobile usage in the EU compared to £15 to £47.95 for the same level of usage in the USA or Australia, and £47.95 to £11,244.25 for this usage in Saudi Arabia.<sup>70</sup>
- The difference between charges for roaming in countries inside and outside the EU can also affect customers travelling in border areas who inadvertently roam onto a network outside the EU. For example, a customer travelling in Italy whose device connects to a network in Albania would be charged between £2 and £2.34 a minute for calls (dependent on provider) and between £6 and £7.20 per MB of data used,<sup>71</sup> in comparison to paying between £2 and £2.30 a day to be able to use their UK allowance in Italy, or in some cases being able to do this without having to pay an additional charge.

### Knowledge about limiting mobile spend when roaming varies among customers

- 3.16 Mobile bill limits enable customers to limit any spend outside of their agreed tariff or allowance. If put in place, a mobile bill limit applies even if a customer is roaming. Information from providers shows that:
- 49% of UK post-pay customers have put a bill limit in place;<sup>72</sup> and
  - customers tend to set their mobile bill limits at a low level with the median limit ranging between £1 and £10 across providers, with an average of £4.08.<sup>73</sup>
- 3.17 Our research found that many customers did not know that mobile bill limits could also apply when roaming. We found that while 70% of customers were aware that they could set a mobile bill limit for usage inside the UK, only 55% were aware that they could also do this for usage outside the UK.<sup>74</sup>
- 3.18 We also asked UK customers about their knowledge of the default data roaming limit of £45 (excluding VAT) per month which providers were previously required to offer.<sup>75</sup> Our research found that:
- 71% were not aware there had been a default data roaming limit of £45 (excluding VAT) per month;<sup>76</sup>

---

<sup>70</sup> See Annex 5 for further details of how these figures were calculated.

<sup>71</sup> Based on published mobile roaming charges for EE, O2, Three and Vodafone, June 2023.

<sup>72</sup> Mobile providers responses to a statutory information request dated 11 October 2022. Figures for pay monthly customers' use of mobile bill limit ranges between 31% and 77% across different providers.

<sup>73</sup> Mobile providers responses to a statutory information request dated 11 October 2022.

<sup>74</sup> Mobile Roaming Research 2022, Yonder. Q42: Are you aware that you are already able to set your own overall spend limit for any data, calls and texts on your mobile, outside of your allowance/package a) in the UK, b) Outside the UK? Base: All who use a mobile phone (2,069).

<sup>75</sup> The default limit that was set out in the Retained Roaming Regulations was focused on data usage when roaming. The mobile bill limit requirement under the Act is broader and applies to all mobile usage (i.e. it includes calls and texts as well as data both in and outside of the UK). Since the Retained Roaming Regulations expired from July 2022 providers are not required to provide a default data roaming limit of £45 (excluding VAT) per month. However, many providers currently continue to offer this protection voluntarily. We consider it is good practice for providers to continue to provide default roaming limits and set this out in the good practice section of our proposed new guidance (see Annex 7).

<sup>76</sup> Mobile Roaming Research 2022, Yonder. Q36: When you travelled outside the UK, were you aware that your roaming data use would be automatically capped at £45 (excluding VAT) per month by your mobile provider? Base: All who have used their mobile outside the UK in the last 12 months (673).

- 61% of customers who were aware of the limit thought that £45 (excluding VAT) per month was the right amount, 27% thought it was too high and 12% thought it was too low;<sup>77</sup> and
- 90% of customers thought that an automatic cap on overall spend/usage of data, texts and calls while abroad would be either 'very' or 'quite' useful.<sup>78</sup>

3.19 Information from providers highlighted that on average, only 1% of customers who roamed reached the default data roaming limit each month. Of these, 54% consented to continue to use data services while roaming once their limit had been reached.<sup>79</sup>

**The information within the current roaming alerts does not completely address the gaps in knowledge among customers**

3.20 We note that information provided by MSE and our review of roaming alerts highlighted substantial differences in the content and clarity of information particularly around fair use data limits and how providers define a day.<sup>80</sup> For example, not all providers mention fair use limits in their alerts or if they do, not all providers include the specific fair use data roaming limit (e.g. 5GB). Where providers have a daily charge, not all providers specify what time period that daily charge covers (e.g. 24 hours from first use).<sup>81</sup> We also note that roaming alerts often do not provide information on how a customer could limit their spend or make an informed decision about how to avoid unexpected bills (e.g. signposting customers to where they can set or amend mobile bill limits or find other information about limiting spend).

3.21 Although numbers are generally low, customer complaints and queries and analysis of examples of provider roaming alerts have raised some concerns about the quality of current roaming alerts including:

- Not receiving roaming alerts from their provider even though the customer had not opted out of receiving them or delays in roaming alerts being provided.
- Alerts containing inaccurate information on the charges that the customer would be liable to pay for using roaming services e.g. alerts stating the customer would need to purchase a bolt on to use roaming services when roaming for the visited country was included in the customer's tariff plan.

---

<sup>77</sup> Mobile Roaming Research 2022, Yonder. Q40: Do you think that an automatic £45 (excluding VAT) per month default data roaming limit was the right amount? Bases: aware of existence of data roaming limit (216), reached at least 80% limit (112), Reached limit and received notification at 80% and/or 100% (96), Aware of £45 data roaming limit (103).

<sup>78</sup> Mobile Roaming Research 2022, Yonder. Q41: How useful would an automatic cap on overall spend/amount of use of data, texts and calls be to you when abroad? Base: Previously unaware of limit, or aware but did not reach limit, or reached limit but did not receive notification (574).

<sup>79</sup> Mobile providers responses to a statutory information request dated 11 October 2022. Total number of customers that reached Default Data Roaming Limit during 1 September 2021 to 31 August 2022 and, of these, how many consented to continue to use data services while roaming.

<sup>80</sup> [MSE response to Ofcom's plan of work 2023-24](#).

<sup>81</sup> Mobile providers responses to a statutory information request dated 11 October 2022. Providers have different approaches to defining a day largely based on their propositions and how their systems are set up.

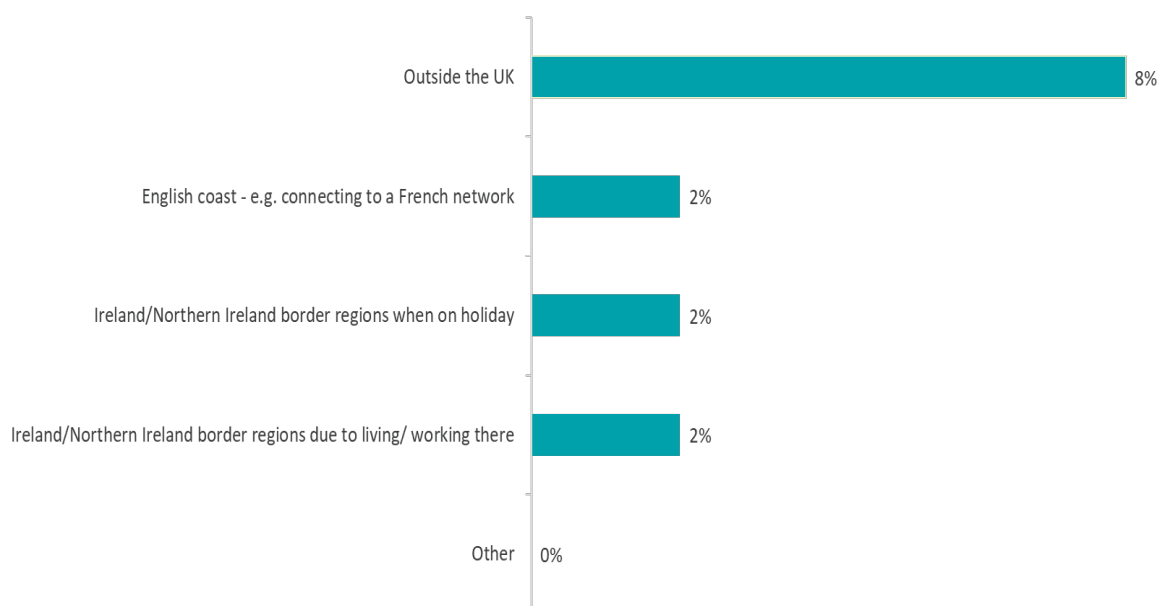
- Lack of clarity on what the customer will be charged for certain roaming services including providing price schedules that are non-country specific or large ranges e.g. data roaming rates vary between £0.01 and £15 per MB.<sup>82</sup>
- Lack of detail/clarity in certain information signposted in roaming alerts which had made it more difficult for customers to make informed decisions on which roaming option best met their needs.

## Inadvertent roaming

### Inadvertent roaming continues to impact customers while they are in the UK and when travelling abroad

3.22 As Figure 3.4 below shows, our research found that 14% of UK mobile customers reported experiencing inadvertent roaming in the last 12 months.<sup>83</sup> We note that 8% of customers reported experiencing inadvertent roaming when travelling outside of the UK and 6% within the UK, including 2% of customers connecting to French networks while on the English coast.<sup>84</sup>

Figure 3.4: Where UK customers experience inadvertent roaming<sup>85</sup>



3.23 Inadvertent roaming can often result in negative consequences for customers. We found that 72% of those who reported experiencing inadvertent roaming outside the UK in the last 12 months had experienced at least one negative consequence:

<sup>82</sup> Analysis of roaming complaints and queries made to Ofcom between 1 January 2022 and 30 June 2023 and examples of provider alerts between August 2022 and June 2023.

<sup>83</sup> The term unintended roaming was used within our customer research questionnaire rather than inadvertent to aid participants' understanding.

<sup>84</sup> Mobile Roaming Research 2022, Yonder. Q28: Where did the unintended roaming occur? Base: All with a mobile phone (2,069), All who have experienced unintended roaming (254).

<sup>85</sup> Mobile Roaming Research 2022, Yonder. Q28: Where did the unintended roaming occur? Asked of all who had experienced unintended roaming in the preceding 12 months (254), chart re-based on all with a mobile phone (2,069)



- 42% of customers were charged additional fees; and
- 26% had their services restricted by their provider.<sup>86</sup>

## Inadvertent roaming is a particular issue for customers in Northern Ireland

- 3.24 While inadvertent roaming can happen in many different locations worldwide it is often a regular and unavoidable experience for customers in Northern Ireland. More than 818,000 people in Northern Ireland live in Council areas that share the border with Ireland, with some homes physically straddling the border.<sup>87</sup> The geography of the island also means inadvertent roaming can happen many miles away from the border. CCNI research shows that 22% of customers in Northern Ireland reported experiencing inadvertent roaming onto networks in Ireland in the preceding 12 months.<sup>88</sup>
- 3.25 Our analysis of mobile crowdsourcing data from Opensignal found that inadvertent roaming occurs more frequently near the border between Northern Ireland and Ireland (e.g. Strabane) but can also occur further from the border (e.g. Newry, Keady, Castlerock and Greysteel).<sup>89</sup>

---

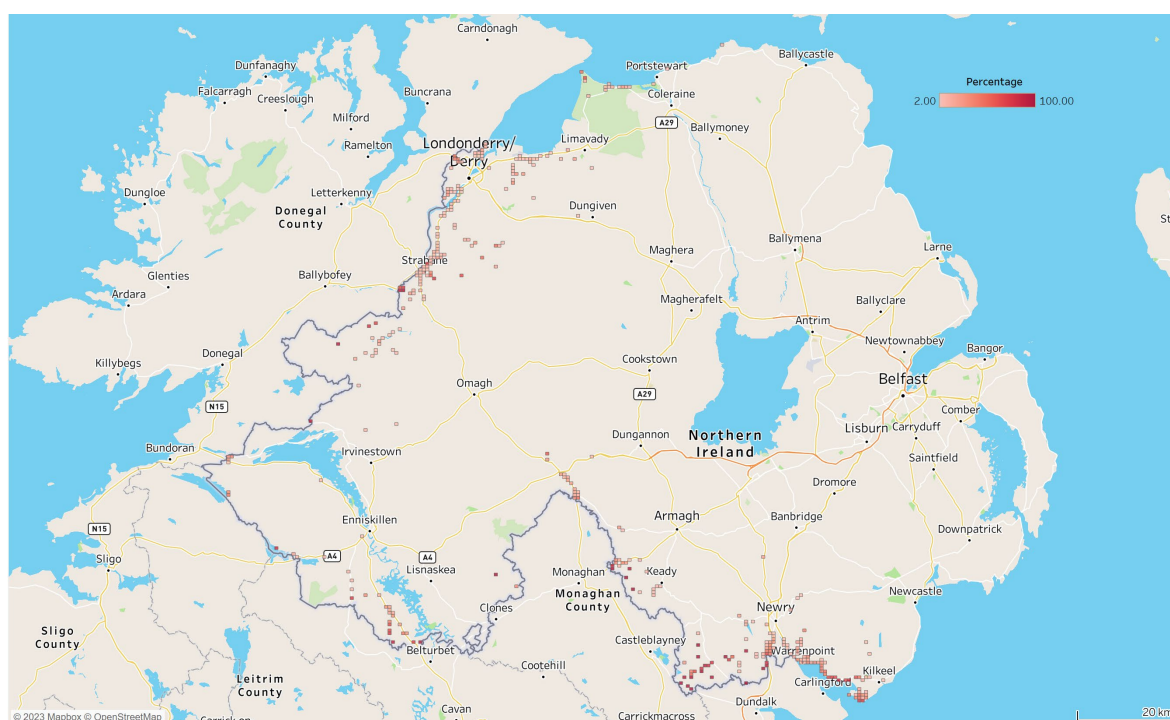
<sup>86</sup> Mobile Roaming Research 2022, Yonder. Q29: Did you experience any consequences of unintended roaming? Base: All who experienced unintended roaming outside the UK (158). This excludes customers who reported experiencing inadvertent roaming on the English coast or in Ireland/Northern Ireland border regions.

<sup>87</sup> Northern Ireland Statistics and Research Agency, Table MS-A01 Usual resident population, [Census 2021 statistics](#)

<sup>88</sup> [CCNI research 2023](#), Slide 39. Q: Where did the unintended roaming occur? Base: All who had experienced unintended roaming (277).

<sup>89</sup> Crowdsourcing is an approach that gathers network measurements over many different devices, to build up a view of the network quality in an area.

**Figure 3.5: Inadvertent roaming between Northern Ireland and Ireland in 2022<sup>90</sup>**



Source notes: 1. Ofcom analysis of Opensignal data. Based on data provided by Opensignal, provided under a CC BY-SA 4.0 (Creative Commons) licence. Data may not be used for any commercial purpose; 2. Map from [OpenStreetMap](#) provided under a CC BY-SA 2.0 licence.

### Customers' actions and providers' current practices are helping to protect customers from the negative consequences of inadvertent roaming

- 3.26 Information from providers shows some providers are still voluntarily taking steps to help customers in Northern Ireland protect themselves against paying extra when inadvertently roaming in Ireland. For example, some providers treat Ireland usage as UK usage, do not apply daily roaming charges to be able to use UK allowances in Ireland or offer special tariffs.
- 3.27 CCNI research showed that 52% of customers in Northern Ireland had at least one measure to protect themselves from roaming onto networks in Ireland. This was particularly common for those living in border regions of Northern Ireland compared to those who lived elsewhere (57% vs. 48%). The main measure was selecting a mobile tariff which prevented these charges (e.g. Ireland use being treated as UK usage).<sup>91</sup> This means that many customers in Northern Ireland, who had experienced inadvertent roaming while in the UK, reported that they did not experience consequences due to inadvertent roaming when it occurred in Ireland/ Northern Ireland border regions. For example:

<sup>90</sup> The map shows 'Geohash 6' areas which have at least 100 total tests and at least a 2% inadvertent roaming rate. This dataset is comprised of tests from Android devices with a UK sim card that are located within Northern Ireland. A test is when an app collects data about the device and networks it is connected to. Inadvertent roaming is when one of these devices is connected to a mobile network in Ireland.

<sup>91</sup> [CCNI research 2023](#), Slide 36. Q: Which, if any, of the following do you have in place regarding unintended roaming on to networks in the Republic of Ireland? Base: All mobile phone customers (993); All mobile phone customers living in border LGDs (319); All mobile phone customers living in non-border LGDs (674).

- 30% were notified that this was covered by their tariff; and
- 27% were notified that they would not be charged for roaming.<sup>92</sup>

3.28 However, the CCNI research did highlight that around a third of customers in Northern Ireland who had experienced inadvertent roaming while in the UK, had experienced consequences due to inadvertent roaming, for example:

- 14% of customers said they were charged additional fees by their provider;
- 9% said their services were restricted by their provider; and
- 7% said they restricted their usage to avoid additional charges.<sup>93</sup>

## What this tells us in summary

3.29 For customers to make informed choices about using roaming services, be able to monitor and limit spend, avoid unexpected roaming bills and be able to use their device outside the UK with confidence, the evidence indicates that customers need and value:

- knowing when they are roaming at the point they start roaming (e.g. paragraphs 3.6 - 3.8);
- timely information on if/what they will be charged, including any limits on usage or time periods (e.g. paragraphs 3.6 - 3.8 and 3.12 - 3.16); and
- timely information on how they can limit their spend when roaming (e.g. paragraphs 3.6 and 3.18).

3.30 We note the evidence highlights significant differences in the charges a customer would need to pay to roam depending on the country and their contract (e.g. paragraphs 3.15 - 3.16 and Annex 5). The gaps in customer knowledge and the mixed quality of information in current roaming alerts/ on providers' websites also means customers may not always have access to the information they need when roaming (e.g. paragraphs 3.14 - 3.18 and 3.21 - 3.22).

3.31 The evidence also highlights that inadvertent roaming can occur when a customer is abroad or when still in the UK and it remains a particular issue for those living in Northern Ireland. It shows that inadvertent roaming can often result in negative consequences for customers (e.g. paragraphs 3.23 - 3.29).

---

<sup>92</sup> [CCNI research 2023](#). Slide 39. Q: Did you experience any consequences because of unintended roaming on the Ireland/Northern Ireland border? Base: all who had experienced unintended roaming on the Ireland/Northern Ireland border (216), All living in border LGDs who had experienced unintended roaming on the Ireland/Northern Ireland border (107), All living in non-border LGDs who had experienced unintended roaming on the Ireland/Northern Ireland border (109).

<sup>93</sup> [CCNI research 2023](#). Slide 39. Q: Did you experience any consequences because of unintended roaming on the Ireland/Northern Ireland border? Base: All who had experienced unintended roaming on the Ireland/Northern Ireland border (216), All living in border LGDs who had experienced unintended roaming on the Ireland/Northern Ireland border (107), All living in non-border LGDs who had experienced unintended roaming on the Ireland/Northern Ireland border (109).

## 4. Proposals

- 4.1 As set out in Section 2, we want providers to ensure that customers are adequately protected when roaming.
- 4.2 We want customers to be able to confidently use their device when roaming, be able to make informed decisions about using mobile services outside the UK and to be able to monitor and limit their spend and avoid unexpected roaming bills. To do that they need clear, accurate and timely information about any charges they may face when roaming and information on how to set or amend a mobile bill limit.
- 4.3 We also want to protect the interests of customers in relation to inadvertent roaming, particularly where customers roam onto networks in other countries while they are located in the UK.
- 4.4 Our analysis of evidence relating to customers' experiences of roaming (see Section 3) indicates that to make informed choices about using roaming services, be able to use their device with confidence outside of the UK and avoid unexpected roaming bills, customers need to know when they are roaming and to have timely information on if/what they will be charged and how they can limit their spend. Our evidence also shows that some customers experience inadvertent roaming both abroad or when in the UK, particularly customers in Northern Ireland, which can lead to consumer harm.
- 4.5 To support our objectives and in light of the evidence, we are proposing to introduce new requirements by amending an existing General Condition (GC C3) and accompanying guidance requiring providers to:
  - a) send customers a roaming alert when they connect to a network outside of the UK that includes personalised information on roaming charges, personalised information on mobile bill limits and which directs them to at least one easily accessible and free of charge channel on which they can find more information relating to roaming charges, fair use policies and the measures that they can take to monitor, reduce and limit their spend on roaming services; and
  - b) have measures in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while they are in the UK (e.g. through the use of a special tariff) and publish details of those measures. Providers would also be required to provide clear, comprehensible and accurate information to customers about how to avoid inadvertent roaming both in and outside of the UK, particularly in border regions.
- 4.6 This section sets out why we consider it is important to introduce regulatory protections for customers specific to roaming; what our proposals are in more detail; why we believe our proposals are proportionate; and how we intend to implement our proposals.

## There is potential for harm to customers if they do not know when they are roaming or lack clear information on charges and how they can limit their spend

- 4.7 As set out in Section 3, our evidence indicates that to make informed choices about using roaming services, be able to monitor and limit spend, avoid unexpected roaming bills and be able to use their device outside the UK with confidence customers need to:
- know when they are roaming at the point they start roaming;
  - have clear, accurate and timely information on if/what they will be charged (including any limits on usage or time periods); and
  - know how they can limit their spend.
- 4.8 We have identified the following customer harms which are likely to occur if customers do not understand the roaming charges that apply to them; or do not know how their mobile device usage will affect the roaming charges they will face.
- **Customers getting unexpected or higher than expected bills due to roaming charges.** These could arise due to customers being unaware of roaming charges where they have not set a mobile bill limit, or due to inadvertent roaming where they are not being protected from the impact of this (e.g. paragraphs 3.14, 3.24 and 3.29).
  - **Customers deciding not to use their device while travelling abroad** or using it less due to uncertainty over what the costs of doing so would be (e.g. paragraph 3.10 and 3.13).
- 4.9 In addition, where information on roaming charges is not easy to find, inaccurate or is complex and difficult to understand, customers may be harmed because they **encounter difficulties** to properly inform themselves of roaming charges (e.g. paragraphs 3.11 and 3.21 - 3.22).

## There are further potential harms where customers roam inadvertently

- 4.10 Further potential harms may occur where a customer roams inadvertently. As explained above, inadvertent roaming is when a customer's device connects to a network in a different country even though the customer isn't physically in that country. This can happen because there is a weak signal from the network where the customer is located and a stronger signal from the network in the other country. It is a particular issue in border regions but can also happen many miles from a border. It can happen when customers are in the UK, particularly between Northern Ireland and Ireland, or while UK customers are travelling abroad (when their device connects to a network based in a different country to where they have travelled). As set out in paragraph 3.23 our research found that 14% of UK mobile customers reported experiencing inadvertent roaming in the last 12 months, with 8% of customers experiencing inadvertent roaming when travelling

outside of the UK and 6% within the UK, including 2% of customers connecting to French networks while on the English coast.<sup>94 95</sup>

- 4.11 Customers who are not expecting to roam into a different country are unlikely to have researched the impact and considered their options. Therefore, unless they are notified when their device starts roaming, they may receive unexpected bills or may choose not to use their device if they are unclear about when they are roaming and/or don't know how their usage will affect those charges.
- 4.12 We are also mindful that it may not be possible to eliminate all potential harms caused by inadvertent roaming simply by notifying customers that they are roaming. Customers who are well informed about inadvertent roaming may still face harm. For example, some customers may have no choice but to roam onto another country's network when they are using or need to use their device. They may then face additional charges despite using their device while they are located in the UK. This is common problem for those living or working in UK border regions. There may be particular harm caused where a customer's device moves on and off a network in another country even though the customer is still in the UK (e.g. during daily activities as such school and work), making it difficult for the customer to effectively manage spend, even if they are well informed that their device may roam. As set out in paragraph 3.29, CCNI research found that of those customers experiencing inadvertent roaming while in Northern Ireland, around a third experienced consequences as a result.

## Customers are at risk of harm without further regulatory protections

- 4.13 We have considered whether the option of do nothing and rely on existing rules and voluntary measures would meet our policy objectives.

### Existing rules and voluntary measures help mitigate but don't adequately address the harms we have identified

#### Existing rules

- 4.14 As set out in Section 2, there are a range of rules that apply to mobile services and provide customers with some protections when roaming. Rules already in place require providers to:
- Provide residential and small business customers with details of prices, including roaming prices, fair use policies and facilities to monitor bills and usage in writing before entering a contract (GC C1.3-C1.7);

---

<sup>94</sup> The term unintended roaming was used within our customer research questionnaire rather than inadvertent to aid participants' understanding.

<sup>95</sup> Mobile Roaming Research 2022, Yonder. Q28: Where did the unintended roaming occur? Base: All with a mobile phone (2,069), All who have experienced unintended roaming (254).

- Publish specific information for residential and small business customers that includes a description of the services offered, pricing information including roaming prices and standard contract terms (GC C2.3) (Metering and billing direction: section 4.6.3.8);
- Provide information to disabled customers in an accessible format if requested (GC C5.15-C5.16);
- Notify residential and small business customers when a service included in their tariff plan that is billed on a time or volume basis is fully consumed (e.g. roaming services) and the charges they will incur outside of the tariff plan (GC C3.13-C3.14); and
- Offer customers the option to set/amend a mobile bill limit and notify customers when that limit is likely to be reached (section 124S of the Act).

4.15 These rules go some way to help reduce or mitigate the harms described above. For example, providing pre contract information on roaming prices to customers will help inform those that read and retain this information of the roaming charges that are in effect at that point in time. Similarly publishing up to date information on roaming charges allows customers to find out what roaming charges are before they travel. Mobile bill limits enable a customer to limit their spend (including when roaming) and avoid unexpected bills. Rules requiring alerts to be sent to customers when they are nearing or have reached a mobile bill limit or another time or volume usage limit allow customers to avoid or manage additional charges, for example, by changing how they use their mobile device.

4.16 However, we are concerned that these protections do not adequately protect customers against the harms that we have identified. For example, since the Retained Roaming Regulations expired on 30 June 2022:

- there is no requirement for providers to provide customers with information about roaming charges at the point that roaming begins. While this information will have been provided to the customer at the start of the contract, not all customers will have read that information as they may not have considered it relevant at that time, and those that did read it may not be able to recall this easily at the point they are making decisions about using roaming services. Roaming charges or other aspects of how charges are applied, such as fair use limits may also have changed since the customer signed up to the contract.<sup>96</sup>
- there are also no rules which require providers to protect the interests of customers in relation to inadvertent roaming and address the associated harms customers may experience in or outside of the UK. Customers who are not expecting to roam into a different country are unlikely to have researched the impact and considered their options. Further, even customers who are well informed about inadvertent roaming may still face harm, e.g. some customers may have no choice but to roam onto another country's network when they are using or need to use their device and may then face additional charges despite using their device while they are located in the UK.

4.17 Also, while existing rules require providers to give new and re-contracting customers the opportunity to set a mobile bill limit before they sign up to the contract, they do not

---

<sup>96</sup> As noted in Section 2, there are various requirements that providers need to comply with relating to contracts and changes to contracts. We have published a [letter on roaming services and customers rights of exit following contract modifications](#).



require providers to proactively inform or remind customers about the level of any existing mobile bill limit or the option to set or amend a bill limit at a later point (such as when roaming). Some customers therefore remain unaware that they can set/amend a limit or may not have put one in place when agreeing the contract (e.g. as they were not considering roaming at the time).

- 4.18 In addition, in some cases the existing rules simply do not address the harms we have identified. For example, the existing rules do not really engage with the potential harms arising from where customers might roam inadvertently both in the UK and abroad.

### Voluntary measures

- 4.19 Alongside these existing rules, some providers voluntarily provide additional information on roaming.
- 4.20 Before the end of June 2022, providers were required to send customers several automatic alerts regarding roaming, including one when roaming commenced that included personalised information on roaming charges. They also had to make available information on how to avoid inadvertent roaming in border regions (in and outside of the UK) and take reasonable steps to protect customers from paying inadvertent roaming charges while in the UK. For customers in Northern Ireland, providers applied a range of special tariffs and approaches to ensure customers were able to protect themselves in relation to inadvertent roaming (e.g. treating Ireland usage as UK usage).
- 4.21 Most providers have continued to provide some form of alert when customers start roaming on a voluntary basis and many providers have continued to provide information to customers on how to avoid inadvertent roaming, including not charging extra for roaming in Ireland on a voluntary basis. While these voluntary measures do address the harms we have identified in some respects, we do not consider that these are sufficient.
- 4.22 While a number of providers deliver these measures voluntarily, in the absence of regulation, they could choose to remove or vary them at any time.<sup>97</sup> While providers currently have protections in place their incentives can change over time.<sup>98</sup>
- 4.23 If one or more providers chose to stop offering roaming protections (e.g. roaming alerts, protections related to inadvertent roaming), or changed them in a way that reduced their effectiveness, we would expect that customers would experience significant harm as we have set out above.
- 4.24 We recognise that the incentives of providers to deliver roaming alerts and protections from inadvertent roaming rely on a balance of factors. For example, providers might

---

<sup>97</sup> Even if providers' current approach to charging for roaming in Ireland were to remain unchanged, some risks of unexpected charges would still remain. For example, fair use policies for roaming use can have a greater impact on customers in Northern Ireland as they may be more likely to exceed these limits due to frequent (inadvertent) roaming and be subject to additional charges.

<sup>98</sup> For example, when roam like at home retail price regulations expired at the end of December 2020 several providers indicated that they did not plan to re-introduce roaming charges. Some of these providers subsequently revisited this position and chose to re-introduce roaming charges, indicating that the incentives they face changed over that period. We also note that there have been circumstances in the past where customers experienced harms associated with roaming charges (see Section 2) which indicates that, at that time providers did not have incentives to provide roaming protections.



benefit from removing protections if it leads to higher revenues from roaming charges. However, if customers experiencing harm from unexpected bills choose to switch to another provider; then the provider may lose revenue as a result.

- 4.25 The balance of these factors is very uncertain and depends on things such as consumer demand which are hard to predict. Provider incentives can change over time and not all providers necessarily face the same incentives. As set out in Section 2, there have been circumstances in the past where customers have experienced high unexpected bills from roaming charges. There have also been circumstances in the past where provider incentives have changed.<sup>99</sup>
- 4.26 We also note the mixed quality of information in current roaming alerts/ on providers' websites which means customers may not always have access to the information they reasonably need to make an informed decision when roaming. Also, in some cases the information provided is not clear and comprehensible.
- 4.27 For the reasons set out above, we consider that roaming alerts and additional targeted protections for inadvertent roaming can be very important as a means of protecting the interests of customers when roaming (whether deliberately or inadvertently). We therefore consider that there would be a significant risk of consumer harm if some or all providers were to stop providing these protections voluntarily or if they were to be altered so that they are less effective. We are also concerned by the mixture in quality of information provided in roaming alerts and on providers' websites.
- 4.28 Therefore, while existing rules and voluntary measures do help mitigate the harms we have identified, our provisional view is that they are not sufficient. Consequently, we consider that it is appropriate to introduce regulatory protections to address the harms we identified and to meet our policy objectives.

## Our proposals

### Roaming alerts are a key tool to inform customers about the roaming charges they may face

- 4.29 To make informed decisions about their roaming usage, we consider that customers need to have timely access to clear, comprehensible and accurate information about the charges they will face when roaming at the point they start roaming. Clear, comprehensible, accurate and timely roaming alerts help prevent the harms identified above in several important ways.

### Roaming alerts are essential to making customers aware they are roaming

- 4.30 Roaming alerts provide a helpful reminder for customers to let them know that their device has connected to a network outside of the UK and that they may therefore face additional charges if they use their device.

---

<sup>99</sup> For example, see footnote 98.

- 4.31 Given roaming alerts have been sent to customers for more than ten years, customers have become used to them. Our research showed that:
- 94% of those who had roamed in the past 12 months were aware of roaming alerts, with 84% claiming to read them;<sup>100</sup>
  - A higher proportion of disabled customers (60%) said that alerts at the start of roaming were essential compared to non-disabled customers (44%).
- 4.32 The evidence also indicates that the roaming alerts empower customers to change their behaviour to mitigate potential harms such as unexpected bills. As set out in Section 3, analysis of customer complaints and queries data suggests that receiving roaming alerts prompts customers to understand that they are roaming and any issues associated with roaming.<sup>101</sup> Our customer research showed that 72% of customers changed their behaviour because of receiving a roaming alert.<sup>102</sup> The most common actions were to only connect to Wi-Fi while travelling (29%), to use less data (26%) and to switch off data roaming (24%).<sup>103</sup>
- 4.33 It is particularly important for customers to know they are roaming in the case of inadvertent roaming. This is because customers will not be in the country that their device has connected to and so are even less likely to be aware that roaming is occurring (or what charges they might incur) in the absence of roaming alerts. Customer research suggests that 14% of all UK customers<sup>104</sup> and 28% of customers in Northern Ireland<sup>105</sup> had experienced inadvertent roaming in the past 12 months either while in the UK or abroad.
- 4.34 Our research also suggested that a small proportion of customers would prefer not to receive roaming alerts, with 1% of those aware of alerts describing messages when you first begin to roam informing you of charges as being ‘annoying’. In addition, 9% of customers aware of roaming alerts said they had decided to opt out of receiving them.<sup>106</sup>

**The information within roaming alerts is key to ensuring that customers can make an informed choice about using their device while roaming**

- 4.35 As well as informing customers that they are roaming and that charges may apply; roaming alerts are also a timely and effective way to inform customers about the level and structure of roaming charges. This means customers can understand what they will be charged if they use their device while roaming, and make an informed choice about using their device while roaming. Alerts can also be an important way to help customers find more detailed information if needed (for example, on how to limit their spend).

---

<sup>100</sup> Mobile Roaming Research 2022, Yonder. Q15: Are you aware of mobile roaming alerts, and do you read them? Base: All who have used a mobile phone outside the UK in the past 12 months (673).

<sup>101</sup> As set out in paragraph 3.22.

<sup>102</sup> As set out in paragraph 3.13.

<sup>103</sup> As set out in paragraph 3.13.

<sup>104</sup> Mobile Roaming Research 2022, Yonder. Q27: Have you experienced unintended roaming in the last 12 months? Base: All with a mobile phone (2,069).

<sup>105</sup> [CCNI research 2023](#). Slide 37. Q: Have you experienced unintended roaming in the last 12 months? Base: All mobile phone customers (993).

<sup>106</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of mobile roaming alert? Base: All aware of alerts (629). Q20: Are you aware you can opt out of roaming alerts? Base: All aware of alerts (629).

4.36 The evidence suggests that customers:

- value receiving accurate and personalised information about roaming charges at the point of roaming (e.g. paragraphs 3.6 - 3.7); and
- rely on this information to make informed decisions about when, where and how much to use their device while roaming and to avoid unexpected bills (e.g. paragraph 3.13).

4.37 Our research shows that:

- Of customers aware of alerts, customers considered the following information either essential or helpful:
  - alerts when they first begin to roam informing them of the charges (94%);
  - alerts telling them they are close to their limit and what you will be charged for extra use (91%);
  - alerts telling them they have reached their limit and how to increase the limit/what they will be charged for going over (89%) and
  - alerts telling them a freephone number to call for more details about charging (60%).<sup>107</sup>
- Of customers who didn't look into roaming before travelling, 14% said this was because they expected to receive a message from their provider with details about roaming charges when they arrived in the country they were travelling to.

4.38 As noted at paragraphs 3.21 - 3.22, there can be substantial differences in the quality of the content and clarity of information provided particularly around fair use data limits, how providers define a day and signposting customers to where they can set or amend mobile bill limits or find more information on how to limit their spend.<sup>108</sup> This means customers may not always have access to the information they reasonably need to make informed decisions about roaming.

4.39 It is our provisional view that roaming alerts and information contained within, is in principle an effective way to help protect customers from potential harms such as unexpected bills because of roaming or not using their device while travelling. As set out above, customers rely on alerts to plan and monitor their roaming usage. If roaming alerts were no longer provided customers would likely be unaware or less clear about when they are roaming (particularly when they are inadvertently roaming). Where roaming alerts do not contain clear, timely and accurate information about roaming charges, customers are likely to be unaware or less clear about the associated charges and how to limit their spend. Such charges could be high if a customer exceeds any fair use limit in their tariff plan or inadvertently roams from an EU country to a rest of world country where roaming charges can be considerably higher. As a result, customers may find it harder to make an informed decision about their roaming usage and potentially face unexpected bills or use their device less.

---

<sup>107</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of mobile roaming alert? Base: All aware of alerts (629).

<sup>108</sup> MSE, 2023. [Response to Ofcom's plan of work 2023-24](#).

**Additional protections for customers in relation to inadvertent roaming are important to reduce consumer harm**

- 4.40 Inadvertent roaming can occur both in and outside the UK. As set out at paragraph 3.23, our research found that 14% of UK mobile customers had experienced inadvertent roaming in the last 12 months. This included 8% when travelling outside of the UK and 6% within the UK, including 2% of customers connecting to French networks while on the English coast. Of all those who had inadvertently roamed 72% had experienced some form of negative consequence as a result. This suggests that inadvertent roaming remains an ongoing issue.
- 4.41 Inadvertent roaming is a particular issue in Northern Ireland. The CCNI research showed that 22% of Northern Ireland mobile customers experience inadvertent roaming when in the UK, and it is likely that for customers living and working close to the border with Ireland, this proportion will be higher again.<sup>109</sup> More than 818,000 people live in Northern Ireland Council areas that share a border with Ireland and we note that this is a soft border, with some homes physically straddling it.<sup>110</sup> In addition, the geography of the island means inadvertent roaming can happen many miles from the border (e.g. mobile crowdsourcing data identified examples of this happening in Newry, Keady, Castlerock and Greysteel).<sup>111</sup>
- 4.42 As set out at paragraph 4.33 above, roaming alerts notify customers that they are inadvertently roaming and what the likely financial impact is. This goes some way to reducing the risk of harm to customers from inadvertent roaming. However, for the reasons set out above, our provisional view is that customers may still face harm from inadvertent roaming even if well informed via roaming alerts and additional targeted protections may be needed to protect the interests of customers in relation to inadvertent roaming. We also note that customers living in Northern Ireland were more likely to find alerts when you first begin to roam informing you of charges ‘annoying’ or ‘unhelpful’ (8% of customers in Northern Ireland who were aware of roaming alerts and 3% of such UK customers).<sup>112</sup>
- 4.43 We are concerned that a requirement for providers to send roaming alerts with pricing information when they inadvertently roam does not guarantee that providers will take any targeted steps to protect the interests of such customers. And that such customers may therefore continue to suffer adverse consequences from roaming while in the UK (or suffer adverse consequences if they choose to not roam). We note that, before EU level roaming protections were put in place, customers in Northern Ireland were regularly charged

---

<sup>109</sup> [CCNI research 2023](#), Slide 39. Q: Where did the unintended roaming occur? Base: All who had experienced unintended roaming (277).

<sup>110</sup> See paragraph 3.25.

<sup>111</sup> See paragraph 3.26.

<sup>112</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of mobile roaming alert? Base: All aware of alerts (629).

significantly more for inadvertent roaming<sup>113</sup> and there is a risk that this could happen again in the future.

- 4.44 Therefore, our provisional view is that additional protections are necessary in relation to inadvertent roaming. We consider the provision of information by providers to customers on how to prevent inadvertent roaming in border regions to be an important transparency protection alongside roaming notifications. We also consider that a flexible requirement for providers to have in place additional targeted measures to enable customers to reduce or limit their expenditure on roaming services while they are in the UK is important to reduce the risk of consumer harm.

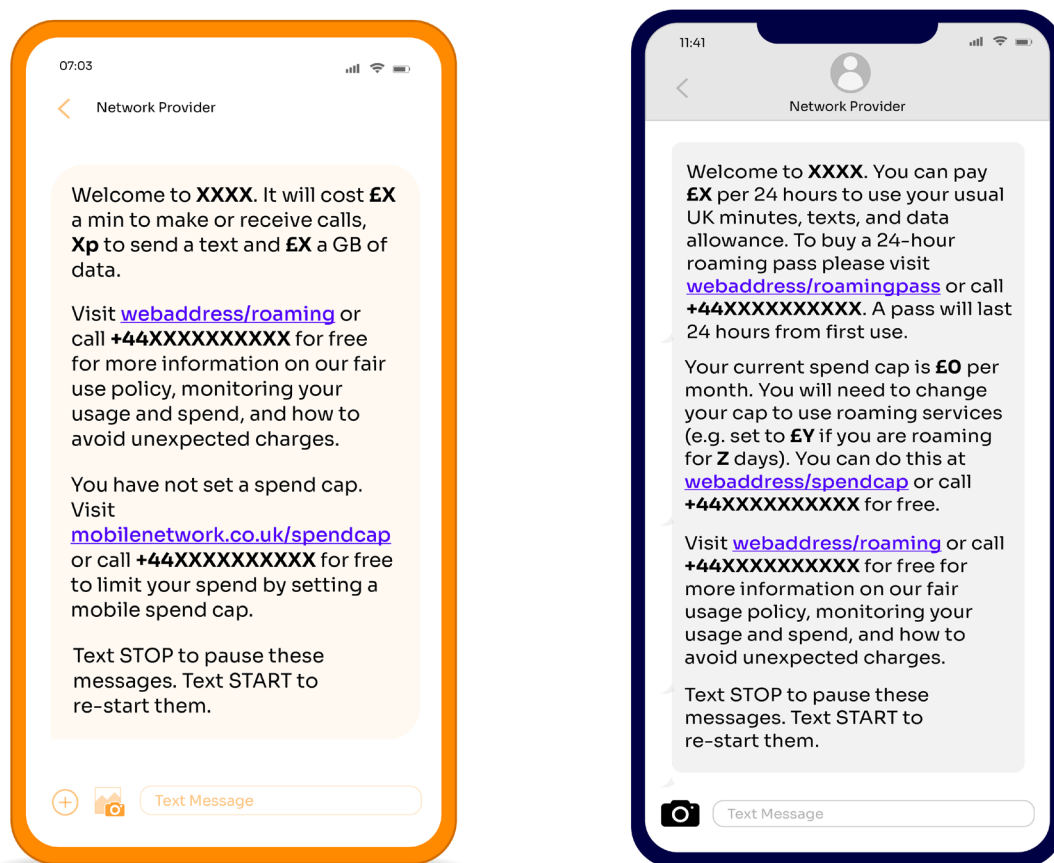
### We are proposing to introduce new roaming requirements by amending GC C3

- 4.45 Therefore, we are proposing changes to GC C3 to require providers to:

- **Provide roaming alerts that meet minimum criteria:** providers must notify their customers without undue delay each time their mobile device connects to a network in the EU or rest of the world. The notification shall provide clear, comprehensible, accurate, personalised information to enable customers to make an informed decision about whether (and how) to use roaming services on that particular roaming network. This shall include, as a minimum:
  - Personalised information on roaming charges. Where there is a time period for charges, the notification needs to specify this and explain the start and end time. Where there is an allowance limit that applies to roaming services, the notification needs to specify this and the charges that would apply to use services beyond that limit.
  - Personalised information on mobile bill limits. If customers have an existing mobile bill limit, the notification would need to specify that and signpost to at least one easily accessible and free of charge channel where customers can set/adjust a mobile bill limit (e.g. website/text/number to put a bill limit in place that is free for the customer to use), and which makes clear the likely extent of any delay between the customer's request to set or modify the limit and it taking effect, and how the customer can confirm that it has taken effect.
  - Direct customers to at least one easily accessible and free of charge channel (e.g. signposting to a website/text/number) where they can access further clear, comprehensible and accurate information on roaming charges, fair use policies and how to monitor, reduce and limit spend.
- **Have measures in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while they are in the UK and publish clear, comprehensible and accurate details of those measures, which is easily accessible.**
- **Provide clear, comprehensible and accurate information to customers about how to avoid inadvertent roaming both in and outside of the UK, particularly in border regions.**

- 4.46 The text of the proposed changes to GC C3 and new definitions related to the roaming requirements outlined in this section are in Annex 6.
- 4.47 We are also proposing guidance on the new rules to give providers greater clarity on our expectations on how they can comply with the requirements set out in GC C3 and our likely approach to monitoring and enforcement. The proposed guidance is not exhaustive but includes:
- The timing, format and content of the roaming alerts and the requirement to offer the option to opt out and back in to roaming alerts. Examples of the information that providers need to include in their roaming alerts are set out in Figure 4.1 below. Further examples are set out in our proposed guidance in Annex 7.
  - Publication of and access to information about how to avoid inadvertent roaming and examples of the measures providers can put in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while in the UK.

Figure 4.1: Examples of roaming alerts<sup>114</sup>



- 4.48 In addition to setting out how providers can comply with the proposed requirements, the proposed guidance also sets out examples of what we consider to be good practice that we

<sup>114</sup> Example 1 (left image): Alert where: (i) roaming not included in plan; (ii) no time period charges; (iii) no volume based fair use limits; and (iv) no mobile bill limit. Example 2 (right image): Alert where: (i) buy pass to use UK allowance; (ii) daily charge applies; (iii) no volume based fair use limits; and (iv) mobile bill limit of £0 set.

encourage providers to adopt. For example, providers applying backstop spend limits by default (in addition to providing customers with the opportunity to set or amend a mobile bill limit), and providers defining a roaming day as 24 hours from first use.

- 4.49 In developing the draft guidance and good practice examples, we have considered providers' current practices, different business models, customer needs and our policy objectives (as set out in paragraphs 2.7 and 2.8).
- 4.50 The text of the proposed guidance on GC C3 and associated good practice is set out in Annex 7.

## Our provisional assessment of roaming alerts

- 4.51 As set out above we are proposing to require the provision of roaming alerts which are free to the customer and contain clear, comprehensible, accurate, personalised information to enable the customer to make an informed decision about using their device while roaming. Such an alert should include personalised price information, personalised information on mobile bill limits and direct customers to an easy-to-access channel with further information on roaming charges, fair use policies and how to monitor and limit spend. We explain below why we consider each of these is necessary to achieve our objectives as set out in paragraphs 2.7 and 2.8. We then explain why we think that this is a proportionate way to achieve our objectives.

### Roaming alerts need to be timely and contain personalised information on if/what customers will be charged

- 4.52 We believe that it is essential that roaming alerts be sent at the start of roaming and should contain personalised information about a customer's roaming charges (both to their tariff plan/contract and the country they are roaming in).<sup>115</sup>
- 4.53 The provision of personalised information increases transparency, offers customers certainty about what they will be charged in that instance and helps customers to make informed choices about their mobile use.<sup>116</sup> The provision of unclear or general information (as is the case now with some providers) such as providing non country specific price schedules or large ranges (e.g. rates could cost between £0.01 and £15 per MB) can lead to customer confusion over likely charges.<sup>117</sup> It can also make it difficult for customers to make informed decisions on roaming and to plan and monitor their device use/ spend when roaming, leading to potential harm (e.g. higher than expected bills or reducing their usage unnecessarily). It may be that personalised roaming alerts will contain the same information for many customers (for example, where providers apply the same prices to all roaming customers for certain countries or apply the same prices to customers signed up to pay monthly contracts or to pay as you go).

---

<sup>115</sup> While our proposed amendment to GC C3 refers to roaming alerts being sent when a customer's 'device connects to a network' outside of the UK, for the purpose of this document we also refer to 'at the start of roaming'.

<sup>116</sup> Typical actions include using their phone less while roaming, connecting to Wi-Fi only or switching off data roaming although some customers used their phone more because of receiving the alerts. Further detail in paragraph 3.13.

<sup>117</sup> Analysis of roaming complaints and queries made to Ofcom between 1 January 2022 and 30 June 2023 and examples of provider alerts between August 2022 and June 2023.

- 4.54 Information on roaming charges is likely to be most useful when sent to customers when their device connects to a network outside of the UK so that they generally have access to information before they start using their device abroad. Sending this information a long time after the customer starts roaming can limit their ability to make an informed decision on using roaming services and mean that they have already incurred unexpected charges.
- 4.55 The provision of personalised roaming alerts when roaming begins will also provide customers with more confidence regarding making decisions about using their device abroad. Our research shows that 72% of roaming customers did something differently as a result of receiving a roaming alert. In many cases this was to reduce phone usage while roaming, but 9% of customers reported using their phone more as a result.<sup>118</sup>
- 4.56 We note that information about roaming charges is available to customers via other sources than alerts at the start of roaming (e.g. provider website/contract). However, we believe that the provision of personalised information in a roaming alert when roaming begins is preferable due to its timeliness, ease of access and understanding for the following reasons:
- a) Even if customers can accurately research roaming charges, without roaming alerts they may still experience unexpected bills. For example, if they inadvertently roam to another country's network which may have different/higher charges (e.g. if they are in the EU and inadvertently roam in a country outside of the EU where charges tend to be higher).<sup>119</sup>
  - b) Although certain information about roaming charges is provided in the terms and conditions provided to customers at the point of sale,<sup>120</sup> it is likely that customers may not fully understand or retain the roaming specific information provided. This is because it is provided alongside a large amount of other information, and roaming may not be a key area of focus at the point of sale. There is an estimated 50 minutes of reading time for mobile terms and conditions, excluding fair use policies and price guides.<sup>121</sup> There may also be a long gap between a customer signing up to a contract and roaming for the first time, as many customers roam infrequently.
  - c) Roaming information is available on providers' websites. However, it is likely to take customers longer to find the relevant roaming information they require compared to receiving it in the alert. Our review of providers' websites highlighted substantial differences in the ease of accessing information on roaming charges, as well as a mixed quality and clarity of information provided. For example, in some cases, a customer needs to know when they took out their contract or the name of their plan.<sup>122</sup> As set out in Section 3, our research also shows that 47% of customers who had received roaming

---

<sup>118</sup> See paragraph 3.13.

<sup>119</sup> See paragraph 3.16.

<sup>120</sup> GCs C1.3 to C1.7 require providers to provide customers with contract information before they are bound by the contract. This includes certain roaming related information.

<sup>121</sup> Estimated based on an internal review of Pay Monthly Mobile Terms and Conditions documents of providers that had at least 1.5% market share for four consecutive quarters as of Q4 2022. This research was done between 27 February - 3 March 2023 assuming a reading speed of roughly 250 words per minute.

<sup>122</sup> See paragraph 3.11.



alerts and had also done their own research into roaming charges thought that the timing of the roaming alert was better.<sup>123</sup>

- d) There is also likely to be a proportion of customers who may not access information on roaming charges at all if it is not provided to them in roaming alerts. Our research shows that 18% of roaming customers did nothing to research charges before travelling. A further 18% relied on information from family or friends, which may not be accurate.<sup>124</sup>

4.57 In light of the above, our provisional view is that roaming alerts containing personalised roaming information sent at the point of roaming are needed. This would enable customers to avoid potential harm and make informed decisions about using mobile services when roaming.

4.58 As part of providing personalised information on roaming charges, we consider that roaming alerts should explain any applicable time period that may apply to a charge and when this period starts and ends. For example, a daily roaming charge and whether this is 24 hours from first use, midnight to midnight UK time, midnight to midnight local time or something else. We note that, of the providers who have such a charging system, not all specify on their websites or in their roaming alerts what time period a 'day' refers to. Including this information in roaming alerts will improve transparency to customers and avoid the potential harm of customers receiving unexpected bills because they have not understood this charging policy. Providers advised their approaches to defining a roaming day are largely based on how their systems are set up.<sup>125</sup> At this stage, we are not proposing to mandate that providers adopt the same definition of a roaming day. However, we consider it good practice for providers to base it on 24 hours from first use. We have set this out as an example of good practice in our proposed guidance (see Annex 7).

4.59 Similarly, many providers who charge customers a fixed amount to use their UK allowance while roaming (or in some cases include this in the package) have a 'fair use' limit to this. These limits vary significantly between different providers (e.g. 5GB to 50GB per month) and can sometimes be lower than the customer's UK allowance (e.g. unlimited data). Once these limits are exceeded, charges for roaming data use are often considerably higher.<sup>126</sup> Again, we note that not all providers who have such a limit in place specify what this is clearly on their websites or in roaming alerts. This could lead to customers incurring unexpected charges, which they could have avoided if they had been aware of the limit (e.g. by using Wi-Fi or switching roaming data off). We therefore consider that roaming alerts should contain information on any fair use limits to help customers make informed decisions about roaming use.

---

<sup>123</sup> See paragraph 3.12. Mobile Roaming Research 2022, Yonder. Q.22 How did the information in the alerts you received when you were outside the UK compare with the information you researched yourself about when or how much you would be charged to use your mobile outside of the UK?

<sup>124</sup> See paragraphs 3.8 and 3.10.

<sup>125</sup> Mobile providers responses to a statutory information request dated 11 October 2022.

<sup>126</sup> As set out in paragraph 3.15.

**To help customers avoid unexpected bills, roaming alerts need to contain personalised information on mobile bill limits**

- 4.60 Under existing rules, providers must give customers the opportunity to set a mobile bill limit when signing up to a new contract. Once in place, a provider notifies the customer when the limit is likely to be reached and has been reached, and it can only be exceeded with a customer's express consent. We consider that it is essential that roaming alerts should include:
- A reminder for customers that they can set/amend a mobile bill limit and to signpost (e.g. a phone number/website that is free to use) to where they can set/amend a bill limit, any likely delay between the customer's request to set/amend a limit and the limit being put in place and how a customer can check when it has taken effect.
  - Specify the level of any existing mobile bill limit.
- 4.61 While information from providers shows that 49% of pay monthly customers have a mobile bill limit in place,<sup>127</sup> our research highlighted low awareness that a single mobile bill limit would apply to roaming usage as well as their UK usage. For example, 55% of customers were aware that they could set one for roaming and 28% of customers said they had a mobile limit in place which covered roaming charges.<sup>128</sup>
- 4.62 Including personalised information in the alert about if a customer has set a bill limit, and if so, what it is set at, should help increase awareness of how they can limit their roaming spend and avoid unexpected roaming bills. Thereby enabling customers to be confident in using their device when roaming.
- 4.63 We note that some providers already include personalised information on mobile bill limits in their roaming alerts and provide helpful information on how the customer would need to amend their bill limit to be able to use roaming services.<sup>129</sup> However, this is done on a voluntary basis and the number of providers doing this and the quality of information provided varies.
- 4.64 There is value in this information being in roaming alerts even for customers who already have a mobile bill limit in place. Information from providers indicates that customers set their mobile bill limits relatively low, at an average level of £4.08 across all providers.<sup>130</sup> Given daily roaming charges (where they apply) range between £2 – £7 a day (depending on the country a customer is roaming in), some customers would need to amend their mobile bill limit to be able to use mobile services when abroad/roaming if they were away

---

<sup>127</sup> Mobile providers responses to a statutory information request dated 11 October 2022. Based on providers who responded to this question. Average proportion (mean) calculated across providers who responded to the question.

<sup>128</sup> Mobile Roaming Research 2022, Yonder. Q42: Are you aware that you are already able to set your own overall spend limit for any data, calls and texts on your mobile, outside of your allowance/package a) in the UK, b) Outside the UK? Base: All who use a mobile phone (2,069).

<sup>129</sup> In some cases, a customer will not be able to use their mobile services when roaming unless they amend their mobile bill limit e.g. if they have set their mobile bill limit to £0 and there is a daily charge to use their UK allowance when roaming.

<sup>130</sup> Mobile providers responses to a statutory information request dated 11 October 2022. Based on providers who responded to this question – median bill limits for all pay monthly customers who had one in place. We then calculated an average (mean) value across all providers.

for more than a couple of days.<sup>131</sup> This is because a mobile bill limit would prevent them from spending above the limit they have set. Having information on this at point of roaming should enable customers to understand the implications of their mobile bill limit (and amend it if necessary), enabling them to use their device with confidence when roaming.

- 4.65 Being aware that you can limit roaming spend is likely to be especially important for pay monthly customers who do not already have a mobile bill limit in place where unexpected roaming charges could otherwise be theoretically unlimited. In contrast, we recognise that for pre-pay customers the risk is generally limited by the amount of credit on a customer's account. There may be a higher risk of unexpected bills for pre-pay customers who have an automatic top-up system in place, but we recognise this risk is mitigated to some degree where customers are informed of any automatic top-ups occurring.<sup>132</sup>
- 4.66 In terms of putting a mobile bill limit in place, the Act requires providers to provide customers the option to set/amend a mobile bill limit on 'reasonable notice'. Our understanding is that most providers can put these in place in minutes or hours although we note that a few providers do not apply a customer's request to set or amend a mobile bill limit until the next billing cycle.<sup>133</sup> Information from providers shows that for some providers the timing is dependent on where a customer is in their billing cycle, meaning there could be a delay of some weeks before a mobile bill limit is in place. For this reason, we are also proposing to require providers to direct customers in the roaming alert to at least one easily accessible and free of charge channel on which they can set or modify (as appropriate) a billing limit, and which makes clear the likely extent of any delay between the request to set or amend the limit and it taking effect, and how the customer can confirm that it has taken effect.
- 4.67 We recognise that, in the absence of any default bill limits, there could remain a risk of unexpected charges for a customer. However, this should be mitigated by the roaming alert containing personalised charging information and signposting to further information on any likely delay between a request to set/amend and the limit being put in place, how to check if it is in place, how to monitor and limit spend, roaming charges and fair use limits. Further, we note that many providers are voluntarily providing a default data roaming limit or have a default threshold that a customer cannot exceed without interaction with the provider. We also encourage providers to continue to adopt such measures and set out as an example of good practice in our proposed guidance (see Annex 7).

---

<sup>131</sup> When a customer reaches their mobile bill limit, they may have to amend their mobile bill limit (i.e. log into their account and not just consent by return to increase it) to be able to use their mobile services.

<sup>132</sup> In addition, GC C3.13 and C3.14 require providers to notify residential and small business customers when a service included in their tariff plan that is billed on a time or volume basis is fully consumed and the charges they will incur outside of the tariff plan.

<sup>133</sup> Mobile providers responses to a statutory information request dated 11 October 2022.

**Roaming alerts must signpost customers to where they can find more information about roaming charges, fair use limits and how to monitor and limit spend**

- 4.68 Our proposed changes to GC C3 would require providers to include in roaming alerts key information customers need to be informed about roaming charges and about how to avoid unexpected bills. However, the alerts (by their nature) cannot contain all the detail or information a customer might need about roaming, for example:
- All of the details of any roaming fair use policies that would apply to the customer;
  - Risks and consequences of automatic and uncontrolled data roaming and how to avoid this (e.g. how to switch off roaming/data roaming);
  - Options for monitoring and limiting spend including any default mobile bill limits set by providers and applying bars to roaming services (e.g. call barring options); and
  - Details on how customers can monitor spend (e.g. via apps or alerts which providers will send when a limit is nearing or has been fully consumed).
- 4.69 If they were to do so they would be very long and would risk making it more difficult for customers to take in the key information contained in the alert. Having said this, we do consider it essential that roaming alerts clearly signpost customers to this additional information on roaming and that the information is free for the customer to access, clear, comprehensible and accurate.
- 4.70 We note that most providers have information about roaming on their websites and many signpost to this information in their roaming alerts. However, this is done voluntarily and as noted at paragraph 4.56(c) above, there is a mixture of quality of information on providers' websites which means customers may not always have access to clear comprehensible information about roaming.

**Our provisional assessment of the need for additional targeted protections relating to inadvertent roaming, particularly when in the UK**

- 4.71 As set out at 4.10-4.12 above, customers may still face harm from inadvertent roaming even if well informed via roaming alerts. This is because roaming alerts notify customers that they are inadvertently roaming and what the likely financial impact is. However, they do not address all likely harms particularly where inadvertent roaming is difficult to avoid and often a daily issue (e.g. for customers living in Northern Ireland).
- 4.72 We are therefore proposing changes to GC C3 to require providers to:
- have measures in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while in the UK and publish clear, comprehensible and accurate details of those measures, which are easily accessible; and
  - provide clear, comprehensible and accurate information to customers about how to avoid inadvertent roaming both in and outside of the UK, particularly in border regions.
- 4.73 We explain below why we consider this is necessary to achieve our objectives as set out in paragraphs 2.7 - 2.8. We then explain why we think that this is a proportionate way to achieve our objectives.

- 4.74 We note that many providers are voluntarily providing measures to protect customers from the impact of inadvertent roaming while in the UK.

## Proportionality of the General Conditions and guidance

- 4.75 Under our regulatory principles, we operate with a bias against intervention. This is based on our duty under s.3(3)(a) of the Act to have regard to the principles under which regulatory activities should be proportionate and targeted only at cases where action is needed. In assessing the proportionality of our proposals we have undertaken a provisional assessment to:
- a) consider whether it would be an effective means of achieving our policy objectives;
  - b) consider whether using our power to set General Conditions specifying roaming customer protections is necessary to achieve our policy objectives or could be achieved by a less onerous approach; and
  - c) assess the proportionality of our proposals in the round, including whether requiring providers to implement the proposals would give rise to adverse effects which are disproportionate to the policy objectives.
- 4.76 Overall, we consider that introducing new roaming requirements by amending GC C3 and associated guidance to ensure that customers are adequately protected when roaming and mitigate the potential harms customers may face when roaming is proportionate.

### Effective means of achieving our policy objective:

- 4.77 As set out in paragraphs 2.7 and 2.8, our policy objectives are to ensure customers are adequately protected. This includes customers being able to use their device with confidence when roaming and make informed decisions about roaming and/or using their mobile service when roaming (e.g. by being able to access timely information which is clear and accurate), being able to manage their roaming spend and being protected from any harms associated with unexpected roaming bills and inadvertent roaming.
- 4.78 As set out at paragraphs 4.13 to 4.28 above, while existing rules and voluntary measures do help mitigate the harms we have identified, our provisional view is that relying on these would not be effective to achieve our policy objective. Consequently, our provisional view is that targeted regulation which sets out clearly Ofcom's expectations is required.
- 4.79 We have also considered whether a more formal voluntary option (e.g. code of practice) might be appropriate. However, we do not consider that this would be effective given that we would expect the outcomes to be essentially the same as relying on providers' voluntary action.
- 4.80 A situation where some, but not all, providers voluntarily offer roaming protections would expose some customers to potential roaming harms. This could also put those providers that do commit to roaming protections at a competitive disadvantage; which could put them under pressure to stop providing those voluntary protections.
- 4.81 If one or more providers stopped offering roaming protections, it would take several months to bring in new regulations to address that problem. During that time customers

would be exposed to the significant harms we have described above. It may also prove more costly to re-introduce protections once they have lapsed, for example if this necessitated new systems and processes to be built.

- 4.82 In contrast, new requirements in the General Conditions prevents customer harms emerging if providers were to no longer provide roaming protections voluntarily and ensures that all customers who roam (whether intentionally or inadvertently), regardless of their chosen provider, will benefit from specific roaming protections including information about roaming charges and how to avoid inadvertent roaming and how to reduce and/or limit their expenditure on roaming services while they are still located in the UK (for example through the use of a special tariff).
- 4.83 It is therefore, our provisional view that it is necessary to impose new requirements in the General Conditions (by amending GC C3) to achieve our policy objective since neither existing regulation or providers' voluntarily behaviour would be an effective way to address our concern.

**Our proposals are necessary to meet our aims of informed and engaged customers and are the least onerous way to guarantee customers are protected from the harms associated with roaming, particularly inadvertent roaming**

- 4.84 As our provisional assessment is that only formal rules would meet our policy objectives, we have considered whether there are any aspects of the option that are not necessary to achieve the objectives. Our provisional view is that each element of the proposed rules is necessary to deliver against our policy objectives.
- 4.85 Our proposals apply to mobile roaming. All customers who roam (whether intentionally or inadvertently) will therefore benefit from mandatory protections, including clear, comprehensible, accurate and timely information about roaming charges and how to limit spend, as well protections against the impact of inadvertent roaming, regardless of their choice of provider. Our proposals are likely to particularly benefit those customers who value roaming alerts more or experience inadvertent roaming on a regular basis. Our research indicates that disabled customers are more likely to find roaming alerts essential or helpful.<sup>134</sup> <sup>135</sup> Customers based in Northern Ireland are more likely to experience inadvertent roaming than UK customers as a whole.<sup>136</sup> Therefore these customers may benefit more from our proposals.

---

<sup>134</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of alert: Messages when you first begin to roam informing you of charges? Base: All aware of roaming alerts (629). 60% of disabled customers compared to 44% of non-disabled customers rated messages when you begin to roam as essential.

<sup>135</sup> We note that disabled customers and financially vulnerably customers were as likely as all customers aware of roaming alerts to find roaming alerts annoying (1%). Our proposals include a requirement for customers to be able to opt in and out of receiving roaming alerts.

<sup>136</sup> Mobile Roaming Research 2022, Yonder. Q27 / [CCNI research 2023](#) Slide 37: Q: Have you experienced unintended roaming in the last 12 months? 1. When travelling outside of the UK (England/Scotland/Wales/Northern Ireland) 2. Within the UK (England/Scotland/Wales/Northern Ireland)? Base: All mobile phone users (Yonder 2,069, CCNI 993). 14% of the

- 4.86 Our proposals take account of providers' current practice and provide a degree of flexibility for providers (where relevant) e.g. different approaches to roaming charges. Our proposals do not prevent providers continuing any additional roaming safeguards e.g. retaining default spend limits for roaming.

### **Our proposals are proportionate to the policy objectives and do not give rise to disproportionate adverse effects**

- 4.87 We have considered whether our proposals give rise to adverse effects which are disproportionate to the policy objectives. For the reasons set out below, we do not consider that this is the case.

#### **There are clear and meaningful benefits of providing roaming alerts with personalised price information, personalised information on mobile bill limits and signposting further information**

- 4.88 Roaming alerts benefit all customers who roam (whether intentionally or inadvertently). Data from providers suggests that in the 12 months to August 2022 the number of UK customers who roamed was likely to be around 13.1m in the EU and 6.2m in the rest of the world.<sup>137</sup> These customers will benefit from roaming alerts in different ways depending on their specific circumstances.
- 4.89 Roaming alerts have multiple uses for customers, with most finding them essential or helpful for knowing when they're roaming, monitoring charges and limits and how much they'll be charged if they go over their limit.<sup>138</sup> Overall, the evidence highlights that timely personalised information on roaming charges is valued by customers and that most customers change their behaviour in some way after receiving roaming alerts.<sup>139</sup> Roaming alerts with timely information on fair use policies (e.g. fair use data limits), how a time period is defined (e.g. the start and end point for daily charges) and information on mobile bill limits will further increase transparency and help customers to make informed decisions about using mobile services when roaming, monitor and manage spend and avoid unexpected bills.
- 4.90 The extent of the harm avoided by individual customers will also vary depending on customers' individual circumstances.
- a) Customers on pay monthly contracts who do not have a mobile bill limit in place (around 28.2 million customers<sup>140</sup>) may be exposed to relatively high unexpected charges because there is no limit in place.<sup>141</sup> Potential unexpected costs to pre-pay customers (of which there are around 24.1 million) will be limited to the amount of

---

Yonder (total UK) sample and 28% of the CCNI (Northern Ireland) sample reported experiencing inadvertent roaming inside and/or outside of the UK in the last 12 months.

<sup>137</sup> Mobile providers responses to a statutory information request dated 11 October 2022. Note that there is likely to be an overlap between these two figures i.e. customers who roam in both the EU and rest of world countries.

<sup>138</sup> See paragraphs 3.5 to 3.7 for further details.

<sup>139</sup> See paragraphs 3.8 - 3.22.

<sup>140</sup> Mobile providers' responses to a statutory information request dated 11 October 2022.

<sup>141</sup> We note that our survey evidence indicates that customers without a mobile bill limit are less likely to do additional research; 30% of customers who said they do not have a mobile bill limit said that they do not do any research before travelling (compared to 18% for all customers). Mobile Roaming Research 2022, Yonder. Q10 "Before travelling did you/will you do any of the following?"

credit on their account (although some customers have auto-top ups in place which could lead to them being exposed to a larger bill). Customers with a mobile bill limit in place (28.5 million customers) will have their charges limited to the level of the cap they have set (unless they give their consent to continue to use services beyond this).

- b) The level of charges can vary greatly depending on where a customer is roaming (e.g. some providers do not charge customers to use their UK allowances when roaming periodically while others apply daily charges to do this of between £2 to £2.30 in the EU and £5 to £7 in the rest of the world, charges for using data beyond fair use data roaming limits of £3 to £3.60/GB within the EU).<sup>142</sup>
- c) Evidence suggests that disabled customers who are aware of roaming alerts are more likely to find them essential or helpful (60% of disabled customers said that alerts at the start of roaming were essential compared to 44% of non-disabled customers).<sup>143</sup>
- d) Customers who look up charges before they leave the UK (see paragraph 3.10), benefit from roaming alerts because alerts provide personalised and accurate information, at the right time (i.e. at the point they start roaming). This avoids the need for them to spend unnecessary effort looking for this information on provider websites, or in their contract terms. Because the information is accurate and personalised to the customer, this reduces the likelihood that they will not be aware of or understand the charges they will face.
- e) Customers that do not look up charges before they roam would be at risk of unexpected bills in the absence of alerts. They may also avoid using their device because of the uncertainty over the charges they may face. A key benefit of roaming alerts is the role they play in avoiding this harm.
- f) Customers can change their behaviour and be more confident in their device use when roaming as a result of the roaming alert. Our research shows that 72% of roaming customers did something differently because of receiving a roaming alert. In many cases this was to reduce phone usage while roaming, but 9% of customers reported using their phone more as a result.
- g) Roaming alerts benefit customers who experience inadvertent roaming. Customer research shows that 14% of all UK customers<sup>144</sup> and 28% of customers in Northern Ireland have experienced inadvertent roaming in the past twelve months.<sup>145</sup> The provision of roaming alerts is typically the only way that customers will find out that their device has connected to a mobile network located in another country.

4.91 We note that roaming charges may change over time and this will affect the scale of the benefits that roaming alerts provide. Before the EU Roaming Regulations were in place, roaming charges for UK customers travelling to EU countries were much higher than they are currently, and if prices change in the future then roaming alerts will provide an

---

<sup>142</sup> For further details on current roaming charges see Annex 5.

<sup>143</sup> Mobile Roaming Research 2022, Yonder. Q16: You said you are aware of mobile roaming alerts. We are interested in how you feel about receiving these even if you do not read them. How do you feel about receiving the following types of mobile roaming alert? Base: All aware of alerts (629).

<sup>144</sup> Mobile Roaming Research 2022, Yonder. Q27: Have you experienced unintended roaming in the last 12 months? Base: All with a mobile phone (2,069).

<sup>145</sup> CCNI research 2023. Slide 37 Q: Have you experienced unintended roaming in the last 12 months? Base: All mobile phone customers (993).



important benefit in reminding customers of the rates that apply to them. If roaming charges are increased in the future, then the benefit in terms of harm avoided will also increase.

- 4.92 We note that many providers are currently providing roaming alerts voluntarily. Therefore, a benefit of our proposals on roaming alerts is through addressing the risk that one or more providers may choose not to send alerts in the future. Additionally, we note the differences that exist in the quality of the content and clarity of information provided in roaming alerts. Particularly around fair use data limits, how providers define a day and signposting customers to where they can set or amend mobile bill limits or find more information on how to limit their spend. Our proposals ensure that all roaming alerts contain adequate clear, comprehensible and accurate information so that customers can understand how their usage when roaming may affect the charges they will incur and how they can manage and limit their spend and avoid unexpected bills.

**The costs of providing roaming alerts with personalised price information, personalised information on mobile bill limits and signposting further information are relatively low**

- 4.93 Prior to the end of June 2022, providers were required to provide customers with several automatic alerts regarding roaming, including one when roaming commenced. These alerts had to include basic personalised information about roaming charges. Providers were also required to provide other information on roaming such as the risks of automatic and uncontrolled data roaming connections/downloads and how to switch off automatic data roaming.<sup>146</sup>
- 4.94 Most providers have continued to provide roaming alerts and signpost customers to information on roaming on their websites voluntarily, even though they are no longer obliged to do so.<sup>147</sup> Because of that (and requirements including GC C2), providers already publish certain information about roaming and have systems and processes in place to send roaming alerts. Additionally, sending text messages to customers is standard practice for providers in many situations (e.g. mobile bill limit alerts, tariff limit alerts, switching information and switching codes). As such providers have general systems and processes in place to support sending customers messages rather than systems and processes solely for sending roaming alerts. Information from providers indicates that the cost of providing roaming alerts is relatively low, in the range of 0.05p-0.52p per customer per month.<sup>148</sup>

---

<sup>146</sup> Further details on the Retained Roaming Regulations at paragraph 2.3.

<sup>147</sup> We note that there is some information related to roaming that providers do need to make available to customers. Further details are set out in paragraph 2.10.

<sup>148</sup> Mobile providers' responses to a statutory information request dated 11 October 2022. We asked providers to tell us the annual cost of providing roaming alerts, which we divided by 12 and then by the total number of customers at each provider to give this range of costs per subscriber per month. Six providers submitted numerical data in response to this request. However, the figure provided by one provider included a number of costs not related to roaming specifically, so we have not included this in the calculation as it was not comparable. For the other five providers who provided data, the majority of these provided a figure which included the costs of alerts and other services and/or systems relating to roaming, suggesting that this is likely to be an over-estimate of the costs to providers of providing roaming alerts alone. Several other providers also responded that there was no separate cost to them in providing these alerts, for example because alerts are provided by their network partner as part of a wholesale service.

- 4.95 However, we are also proposing to amend GC C3 to require providers to send an alert at the start of roaming and for that alert to include personalised information on mobile bill limits (whether they currently have a mobile bill limit set and if so at what level this is). We note that certain providers are already providing this information in their roaming alerts. However, this was not a requirement under the Retained Roaming Regulations and could represent an additional cost for some providers (e.g. where information needs to be collated from different systems to send to the customer when roaming). The costs of doing this are likely to vary depending on a provider's systems and whether a provider sends their own alerts or contracts this out to a third party.
- 4.96 Our proposals that providers should direct customers to at least one easily accessible (and free of charge channel (e.g. signposting to a website/text/number) where they can access further roaming information should be low cost. Providers were previously required under the Retained Roaming Regulations to make certain roaming information available by means of a free of charge call or text. Many providers already provide customers with a way to access certain information for free including when they are roaming (e.g. through free to access content online, providing a free of charge customer services number). Some providers do this as the only way its customers can roam is by purchasing a roaming pass. Most providers also include links to their websites in existing alerts so in many cases providers will only need to check the information on their websites includes the additional information on roaming charges, fair use policies and how to monitor, reduce and limit spend on roaming services (and is clear, comprehensible and accurate).
- 4.97 Given providers are already sending roaming alerts and the relatively low cost of doing so, we could expect that any requirement to provide roaming alerts would not change how the market functions at present.

#### **The benefits of providing additional inadvertent roaming protections**

- 4.98 As set out above, inadvertent roaming can occur both in and outside the UK and can result in customers receiving higher bills. Some customers may have no choice but to roam onto another country's network when they are using or need to use their device. It can be a common problem for those living or working near a border (e.g. customers in Northern Ireland). Switch off of the 2G and 3G networks in different countries in the coming years could also have an impact on the extent to which customers experience inadvertent roaming. Our research found that customers in Northern Ireland were more likely to find alerts when you first begin to roam informing you of charges annoying or unhelpful.<sup>149</sup> Customers may also be less likely to react to messages informing them about roaming charges where this roaming is inadvertent. For example, if they believe these to have been sent in error (as the customer knows that they are not actually roaming). If customers are aware that inadvertent roaming is occurring, or that there is the potential for it to do so, they may also use their device less than they otherwise would to avoid unexpected charges. Requiring the provision of information about how to avoid inadvertent roaming

---

<sup>149</sup> See paragraph 4.42.

should give customers more confidence about using their device and enable them to take any available and appropriate actions to reduce their risk of unexpected bills.

- 4.99 Requiring providers to have measures in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while in the UK, for example through the use of a special tariff, will help ensure that customers are able to mitigate the impact of inadvertent roaming and use their device with confidence in the UK. It will particularly benefit customers in Northern Ireland for whom inadvertent roaming is often a common issue.
- 4.100 We note that many providers are already providing measures to protect customers from the impact of inadvertent roaming while in the UK.

### **Assessing the costs of providing additional inadvertent roaming protections**

- 4.101 We expect that the implementation costs of our proposal that providers should make customers aware of the risk of inadvertent roaming and the steps that they can take to avoid this, will be low. Providers already did this under the Retained Roaming Regulations and the majority of providers have continued to do this voluntarily.<sup>150</sup> Therefore, the required action is likely to be minimal (e.g. checking and updating websites to ensure there is clear, comprehensible and accurate information about steps that customers can take to avoid inadvertent roaming). In terms of ongoing costs to providers, these are also likely to be very low as once this information has been published/uploaded to the website it should not need to be updated frequently.
- 4.102 We also expect the costs to providers of having measures in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while in the UK, for example through the use of a special tariff, will be low. Providers already did this because of the Retained Roaming Regulations and most providers have continued to do this voluntarily.<sup>151</sup> Therefore, most providers are already doing this and already have measures in place.

## **Conclusion**

- 4.103 Having carefully considered the information currently available in the round, our provisional conclusion is that targeted regulation is both appropriate and proportionate to protect the interests of customers. We consider the proposed rules would be effective in meeting our policy objectives, are necessary to achieve the objectives and would not produce adverse effects which would be disproportionate to the objectives.
- 4.104 We will use the information and evidence submitted to us in response to this consultation to further inform our assessment of the proportionality of our proposal.

---

<sup>150</sup> Further details on the Retained Roaming Regulations at paragraph 2.3.

<sup>151</sup> Further details on the Retained Roaming Regulations at paragraph 2.3.

## Implementation

- 4.105 We propose an implementation period of six months from publication of the statement and the changes to GC C3 and guidance. As providers have previously been required to send roaming alerts and many have advised that they are currently continuing to send these on a voluntary basis, providers already have systems and processes in place to send and update their alerts (e.g. to update the wording in their messages or to reflect changes in the charges they apply for using roaming services in certain countries). However, we note that providers might need to make some changes (e.g. review and update the information they provide in their alerts including in relation to roaming charges and mobile bill limits and/or on their websites). Our initial view is that an implementation period of six months should be sufficient to allow providers to make the necessary changes to comply with the proposed rules.

## Legal tests

- 4.106 We consider the legal tests under section 47(2) of the Act are met in the context of our proposed changes to General Condition C3 as those amendments are:
- not unduly discriminatory as the requirement will be imposed on providers equally and can be relied on by all customers when roaming;
  - proportionate as the intended objective of ensuring roaming customers are adequately protected means the proposed rules are limited to what protections are necessary. We are not proposing rules where existing rules provide adequate protection. The costs are likely to be relatively low given most providers are already meeting some if not all of the requirements; and
  - transparent as the reasons for the rules we are proposing to make are explained above, providers are generally familiar with the proposed rules given current practices and the regulations that providers were previously required to comply with, and the intentions and effects of the rules would be clear to providers in the condition itself. Issuing guidance alongside the General Condition will also clarify our expectations and our likely approach to compliance and enforcement.
- 4.107 While not a requirement of the Act in the context of a General Condition, we nonetheless also consider that the proposed changes are objectively justifiable as they are aimed at protecting the interests of customers by ensuring they can make informed decisions on roaming, can manage their roaming spend and avoid unexpected roaming bills by being provided with timely, clear, comprehensible and accurate information including on roaming charges and mobile bill limits and are adequately protected from harms associated with inadvertent roaming including while in the UK.
- 4.108 We also consider that our proposals are consistent with our general duties set out in section 3 of the Act and the six requirements in section 4 of the Act. In formulating our proposals, we have also had regard to the Statement of Strategic Priorities.

### Consultation questions

Question 1: Do you agree with our proposals to introduce rules and accompanying guidance requiring providers to send customers roaming alerts that include information on roaming charges, mobile bill limits and where to access more information?

Question 2: Do you agree with our proposals to introduce rules and accompanying guidance requiring providers to (a) have and publish measures to enable customers to reduce and/or limit expenditure related to inadvertent roaming while in the UK and (b) provide information on how to avoid inadvertent roaming both in and outside of the UK?

Question 3: Do you agree with the proposed implementation period of 6 months from publication of the statement and the changes to General Condition C3 and guidance?

**Please provide evidence in support of your views.**

# A1. Responding to this consultation

## How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 28 September 2023.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-1/mobile-roaming-customer-protections>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [RoamingConsultation@ofcom.org.uk](mailto:RoamingConsultation@ofcom.org.uk), as an attachment in Microsoft Word format, together with the [cover sheet](#). This email address is for this consultation only, and will not be valid after 31 October 2023.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Roaming team  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
  - upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.10 If you want to discuss the issues and questions raised in this consultation, please contact [roamingconsultation@ofcom.org.uk](mailto:roamingconsultation@ofcom.org.uk).

## Confidentiality

- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on [the Ofcom website](#) at regular intervals during and after the consultation period.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website. This is the Department for Business, Energy and Industrial Strategy (BEIS) for postal matters, and the Department for Culture, Media and Sport (DCMS) for all other matters.
- A1.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

## Next steps

- A1.16 Following this consultation period, Ofcom plans to publish a statement in early 2024.
- A1.17 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

## Ofcom's consultation processes

- A1.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.19 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:  
Corporation Secretary

**Mobile roaming: Strengthening customer protections**

Ofcom

Riverside House

2a Southwark Bridge Road

London

SE1 9HA

Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)



## A2. Ofcom's consultation principles

**Ofcom has seven principles that it follows for every public written consultation:**

### **Before the consultation**

- A2.1      Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

### **During the consultation**

- A2.2      We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3      We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- A2.4      We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5      A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6      If we are not able to follow any of these seven principles, we will explain why.

### **After the consultation**

- A2.7      We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

## A3. Consultation coversheet

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing ☐

Name/contact details/job title ☐

Whole response ☐

Organisation ☐

Part of the response ☐

If there is no separate annex, which parts? \_\_\_\_\_

\_\_\_\_\_

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## A4. Consultation questions

A4.1 We invite views from stakeholders on the following questions:

Question 1: Do you agree with our proposals to introduce rules and accompanying guidance requiring providers to send customers roaming alerts that include information on roaming charges, mobile bill limits and where to access more information?

Question 2: Do you agree with our proposals to introduce rules and accompanying guidance requiring providers to (a) have and publish measures to enable customers to reduce and/or limit expenditure related to inadvertent roaming while in the UK and (b) provide information on how to avoid inadvertent roaming both in and outside of the UK?

Question 3: Do you agree with the proposed implementation period of 6 months from publication of the statement and changes to General Condition C3 and guidance?

**Please provide evidence in support of your views.**

## A5. Current roaming charges

- A5.1 Roaming charges and roaming packages available to customers vary between providers and between countries. In addition, customers with the same provider may also be charged different amounts in the same country depending on when their contract began and whether they are a pre-pay or pay monthly customer.
- A5.2 We collected and analysed information on roaming charges from providers' websites between September 2022 and June 2023. We summarise our findings below.
- A5.3 Generally, EU roaming charges remain relatively low, with some providers allowing customers to use their UK call/text/data allowance at no extra charge while roaming in the EU.<sup>152</sup> Customers who cannot use their UK allowance free of charge in the EU are typically able to pay a daily fee of between £2 and £2.30 to do so.
- A5.4 However, most providers have a fair use data roaming limit and this may be set considerably lower than their UK allowance (e.g. they may have unlimited UK data but a 5GB fair use data roaming limit). Charges for data roaming beyond this limit are generally between £3 per GB and £3.60 per GB within the EU.
- A5.5 For customers roaming outside the EU, charges are typically higher, and there is more variation between countries and providers. Some operators offer customers roaming plans in certain circumstances. For example:
- a) Some providers offer pay monthly customers roaming in certain destinations (such as the USA and Australia) the option to either use their UK allowance (data, minutes and texts) for a set cost of around £5-7 per day; and
  - b) For some providers, to some destinations, roaming is offered as a set amount of data such as 500MB for around £5-7 per day.
- A5.6 Where roaming plans are not available customers must pay standard roaming rates. This is typically the case for pre-pay customers roaming outside the EU, but can also apply to pay monthly customers with some providers and for some destinations. Standard roaming rates tend to be more expensive and they vary considerably between providers and countries.
- A5.7 To illustrate how charges might apply to customers using their mobile device while roaming, we compared typical mobile usage with the pricing schedules of some of the larger mobile providers. Figure A5.1 below summarises the weekly cost of roaming to certain destinations for pay monthly customers,<sup>153</sup> assuming an average weekly usage of 1.86GB of data, 40.6 call minutes and 8.7 SMS messages.<sup>154</sup> These figures are based on typical UK weekly usage and we note that customers are likely to use their mobile devices

---

<sup>152</sup> Some providers offer this to all customers, and other providers offer this to those who took out their contract before a certain date.

<sup>153</sup> As some providers' roaming charges vary depending upon when the contract was taken out, we have made an assumption, for the purposes of this illustration, that the contract in question began on 1 January 2022.

<sup>154</sup> Usage figures from [July 2023 Communications Market Report](#). These totals do not include the price of the UK allowances consumers might be using, it only accounts for extra charges due to roaming. Note that the data use figure is an average for data users only.

differently when roaming. For destinations where weekly roaming costs are very high, this is largely driven by high data costs rather than calls and text messages.

**Figure A5.1: Illustration of potential roaming charges for a week of typical mobile device usage, by destination and provider, pay monthly customers**

	EE <sup>155</sup>	O2	Three	Vodafone
<b>EU</b>	£15.00	£0.00	£14.00	£15.75
<b>USA</b>	£15.00	£42.00	£35.00	£47.95
<b>Australia</b>	£15.00	£42.00	£35.00	£47.95
<b>Saudi Arabia</b>	£211.38	£215.55	£11,244.25	£47.95

*Source: Providers' websites accessed in July 2023*

A5.8 It is important to note that other factors will influence what charges customers pay in practice. As set out in paragraph 3.17, information from providers shows that 49% of pay monthly customers have a mobile bill limit in place, with an average level of £4.08. Customers with such a limit in place will be protected, to some extent, from large unexpected roaming bills. Pre-pay customers will have a set amount of credit on their phone. Rather than receiving large bills, the risk to these customers is that their credit could run out unexpectedly, meaning that they will need to top up their credit to continue to use their phone. There may be a higher risk of unexpected bills for pre-pay customers who have an automatic top-up system in place, but this risk is mitigated to some degree where customers are informed of any automatic top-ups occurring.<sup>156</sup>

<sup>155</sup> EE offers pay monthly customers the option to purchase a 'Roam abroad' pass for £15/month, which enables them to use their UK allowance in 47 European destinations and five additional countries abroad. We have assumed that customers will opt to do this where it is less expensive than paying standard roaming charges for the country they are visiting.

<sup>156</sup> As set out in paragraph 4.65.

## A6. Notification proposing amendments to General Condition C3 - roaming requirements

### Notification of Ofcom's proposals to amend General Condition C3 under sections 48(1) and 48A(3) of the Communications Act 2003

- A6.1 Ofcom, in accordance with sections 48(1) and 48A(3) of the Act, hereby proposes to:
- a) amend General Condition of Entitlement C3 by adding C3.1(f) and C3.15 to C3.17; and
  - b) add new definitions to those set out in the Definitions section of the General Conditions.
- A6.2 The proposed amendments to General Condition C3 and proposed new definitions referred to in paragraph A6.1 are set out in the Schedule to this Notification.
- A6.3 Ofcom's reasons for making these proposals, and the effect of each proposal, are set out in the accompanying consultation document.
- A6.4 Ofcom considers that these proposals comply with the requirements of sections 45 to 49C of the Act, insofar as they are applicable.
- A6.5 In making these proposals, Ofcom has considered and acted in accordance with its general duties under section 3 of the Act and the six requirements set out in section 4 of the Act. Ofcom has also had regard to the Statement of Strategic Priorities in making the proposals referred to in this Notification.
- A6.6 Representations may be made to Ofcom about the proposals set out in this Notification by 5pm on 28 September 2023.
- A6.7 If implemented, the amendments to General Condition C3 and new definitions shall enter into force 6 months from publication of the statement or such later date as specified in the final Notification.
- A6.8 Copies of this Notification and the accompanying consultation document have been sent to the Secretary of State in accordance with section 48C(1) of the Act.
- A6.9 In this Notification:
- a) **'the Act'** means the Communications Act 2003;
  - b) **'General Conditions of Entitlement'** or **'General Conditions'** means the general conditions set under section 45 of the Act by Ofcom on 19 September 2017, as amended from time to time;
  - c) **'Ofcom'** means the Office of Communications;
  - d) **'Statement of Strategic Priorities'** means the Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services designated by the Secretary of State for Digital, Culture, Media and Sport for the purposes of section 2A of the Communications Act 2003 on 29 October 2019.

**Mobile roaming: Strengthening customer protections**

- A6.10 Words or expressions shall have the meaning assigned to them in this Notification, and otherwise any word or expression shall have the same meaning as it has in the Act.
- A6.11 For the purposes of interpreting this Notification: (i) headings and titles shall be disregarded; and (ii) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.
- A6.12 The Schedules to this Notification shall form part of this Notification.

Signed by Cristina Luna-Esteban



Director – Telecoms Consumer Protection

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

**20 July 2023**

## Schedule

This Schedule shows the changes we are proposing to make in order to give effect to the policy proposals outlined in this consultation. In particular:

- a) Table 1 shows the additional provisions that we are proposing to include in GC C3, including new conditions GC C3.15 to GC C3.17 (inclusive); and
- b) Table 2 shows the definitions that we are proposing to insert into the “Definitions” section of the GCs.

We are not proposing any amendments to GCs C3.2 to C3.14 as part of this consultation.



Table 1: Proposed changes to C3

GC (15 May 2023 version)	Proposed GC [changes shown in bold]	Short description of proposed amendments
<i>Summary box</i>	This condition aims to ensure that customers of communications providers are not overcharged and that they receive the services they are charged and pay for, that they can adequately control how much they spend on the usage of voice call and data services <b>including when roaming</b> , and that they are treated fairly where they have not paid their bills. <b>This condition also requires the provision of information about roaming and additional protections relating to roaming in certain circumstances.</b>	Update to description of what the condition covers to include the new roaming requirements.
<i>Scope</i>	C3.1 The provision of this Condition apply as follows: .... <b>(f) Conditions C3.15 to C3.17 apply to any Mobile Service Provider who provides Roaming Services to Subscribers who are:</b> <b>(i) Consumers; and/or</b> <b>(ii) Microenterprise or Small Enterprise Customers or Not-For-Profit Customers, such Subscribers being ‘Relevant Customers’ for the purposes of those provisions.</b>	Set scope for new obligations in relation to roaming.
<i>Roaming notifications</i>	<b>C3.15 Subject to Condition C3.16, Mobile Service Providers shall notify their Relevant Customers without undue delay when their Mobile Device connects to a Roaming Network. This notification shall be sent to the Relevant Customer’s Mobile Device and shall provide clear, comprehensible, accurate, personalised information to enable the Relevant Customer to make an informed decision about whether (and how) to use Roaming Services on that particular Roaming Network. It shall, as a minimum:</b> <b>a. be free of charge and in an easily accessible format;</b> <b>b. inform the Relevant Customer that their Mobile Device has connected to a Roaming Network;</b> <b>c. contain the following personalised price information:</b> <b>i) confirm if the Relevant Customer’s tariff plan contains any allowance for the use of Roaming Services on that particular Roaming Network;</b>	Set new obligations in relation to roaming notifications.  No modifications to obligations in C3.2 to C3.14.

GC (15 May 2023 version)	Proposed GC [changes shown in bold]	Short description of proposed amendments
	<ul style="list-style-type: none"> <li>ii) inform the Relevant Customer about any charges for using Roaming Services on that particular Roaming Network, including if they exceed any allowance referred to in (i);</li> <li>iii) where there is a quantitative limit on the volume of Roaming Services that can be consumed by the Relevant Customer before charges are incurred or before different charges apply (such as a data volume limit), the notification should set out that limit;</li> <li>iv) where any such allowance or charges relate to the use of Roaming Services over a specific time period (such as the use of Roaming Services for a 24-hour period), the notification should explain at what point the relevant time period would commence and end;</li> </ul> <p>d. confirm if the Relevant Customer has in place a billing limit which will limit their expenditure on Roaming Services and, if so, the level of that limit;</p> <p>e. direct the Relevant Customer to at least one easily accessible and free of charge channel on which they can:</p> <ul style="list-style-type: none"> <li>i) find clear, comprehensible and accurate additional information on the charges applied for using Roaming Services (and any associated fair use policies), and the measures that Relevant Customers can take to monitor, reduce and limit their expenditure on Roaming Services; and</li> <li>ii) set, modify or remove (as appropriate) a billing limit, and which makes clear both the likely extent of any delay between the Relevant Customer's request to set, modify or remove the limit and it taking effect, and how the Relevant Customer can confirm that it has taken effect.</li> </ul> <p><b>C3.16 Mobile Service Providers shall provide Relevant Customers with an option to easily opt out / opt back in to receiving the notifications required by Condition C3.15. Mobile Service Providers must make it clear to Relevant Customers that they have the option to opt out/ back in.</b></p>	

GC (15 May 2023 version)	Proposed GC [changes shown in bold]	Short description of proposed amendments
<i>Inadvertent roaming policies</i>	<p><b>C3.17 Mobile Service Providers shall:</b></p> <ul style="list-style-type: none"> <li><b>a. provide clear, comprehensible and accurate information to Relevant Customers about how to prevent their Mobile Device connecting to a Roaming Network which is situated in a different country to the location of the Relevant Customer, particularly in border regions;</b></li> <li><b>b. adopt measures to enable Relevant Customers to reduce and/or limit their expenditure on Roaming Services while they are in the UK; and</b></li> <li><b>c. publish clear, comprehensible and accurate information, which is easily accessible, about the measures referred to in b.</b></li> </ul>	<p>Set new obligations in relation to inadvertent roaming.</p> <p>No modifications to obligations in C3.1 to C3.14.</p>

Table 2: Proposed changes to definitions used in C3

Current definition (15 May 2023 version of the GCs)	Proposed definition	Short description of proposed amendments
Not applicable as terms not currently used in the GCs	<p><b>‘UK Network’ means the public electronic communications network(s) intended to be used by the Mobile Service Provider to provide Mobile Services to the Relevant Customer whilst they are in the United Kingdom.</b></p> <p><b>‘Roaming Network’ means a public electronic communications network used by the Mobile Service Provider to provide Mobile Communications Services to a Relevant Customer, but which is not the Relevant Customer’s UK Network.</b></p> <p><b>‘Roaming Services’ means Mobile Communications Services provided to a Relevant Customer by means of a Roaming Network.</b></p>	<p>New definitions for use in relation to proposed amendments to C3.</p> <p>No modifications to other terms.</p>

## A7. Draft guidance on General Condition C3 - roaming requirements

### Purpose of this document

- A7.1 This document sets out Ofcom's guidance under General Conditions C3.15 to C3.17 (Conditions C3.15 to C3.17) in the following areas:
- a) roaming notifications; and
  - b) inadvertent roaming.
- A7.2 This guidance does not form part of Condition C3. Its purpose is to assist mobile service providers to comply with the minimum requirements of Conditions C3.15 to C3.17 by outlining Ofcom's likely approach to investigating compliance.
- A7.3 We will take a pragmatic approach to compliance monitoring and enforcement and consider the evidence available (e.g. providers' records relating to sending roaming notifications) and whether providers have taken reasonable steps to help achieve the objective implemented through Conditions C3.15 to C3.17 of ensuring that customers are adequately protected when roaming. This includes customers being able to:
- make informed decisions about the use of roaming services;
  - take steps to reduce or limit their spend on roaming services including when they are still in the UK; and
  - avoid unexpected roaming bills.
- A7.4 This guidance is not exhaustive and is not binding on Ofcom, and while we will take it into account, we will determine compliance with Conditions C3.15 to C3.17 on the basis of the individual circumstances of any given case. However, where we decide to depart from the position set out in this guidance, we expect to give reasons for doing so.
- A7.5 Words and expressions used in Condition C3.15 to C3.17 shall have the same meaning when used in this guidance, unless otherwise indicated.

### Good practice

- A7.6 In addition to setting out how providers can comply with the minimum mandatory requirements under Conditions C3.15 to C3.17, this document includes examples of what we consider to be good practice and that we encourage providers to adopt.
- A7.7 In 2019, several providers committed to putting fairness at the heart of their business and going beyond their legal obligations for how they treat their customers by signing up to the Fairness for Customers commitments.<sup>157</sup> We consider that some of these commitments are

---

<sup>157</sup> Ofcom, [Fairness for customers](#).

relevant to roaming and that signatories should therefore take account of these as part of their approach. In particular, the commitments which are likely to be most relevant include:

- a) customers get a fair deal, which is right for their needs (Commitment 1);
- b) customers get the support they need when their circumstances make them vulnerable (Commitment 2); and
- c) customers are supported to make well-informed decisions with clear information about their options before, during and at the end of their contract (Commitment 3).

## Roaming notifications

- A7.8 Condition C3.15 requires mobile service providers ('providers') to notify customers<sup>158</sup> for free when their mobile device connects to a roaming network, including in the EU and rest of world destinations.
- A7.9 The notification must be sent to the relevant mobile device, and mobile service providers shall give customers the option to easily opt out and back into receiving roaming notifications.
- A7.10 The notification shall provide clear, comprehensible, accurate, personalised information to enable customers to make an informed decision about whether (and how) to use roaming services on that particular roaming network. Providers need to notify customers without undue delay and:
- include personalised information on roaming charges. This should specify whether the customer's tariff plan includes an allowance for the use of roaming services. Where there is a time period for charges, the notification needs to specify this and explain the start and end time. Where there is a volume limit (such as a data roaming limit) that applies to roaming services, the notification needs to specify this and the charges that would apply to use services beyond that limit.
  - include personalised information on bill limits. If customers have an existing mobile bill limit, the notification needs to specify that.
  - direct customers to at least one easily accessible and free of charge channel (e.g. a website/text/number) which contains clear, comprehensible and accurate additional information on roaming charges, fair use policies and how to monitor, reduce and limit spend on roaming services. It should also direct customers to at least one easily accessible and free of charge channel on which they can set/adjust a mobile bill limit (and which makes clear the likely extent of any delay between the customer requesting to set or modify the limit and it taking effect, and how the customer can confirm that it has taken effect).

---

<sup>158</sup> While we use the term 'customer' throughout this guidance for simplicity, Conditions C3.15 to C3.17 refer to 'Relevant Customer'. For the purposes of C3.15 to C3.17, a Relevant Customer is a Subscriber who is a 'Consumer', 'Microenterprise or Small Enterprise Customer' and 'Not-For-Profit Customer' as already defined in the General Conditions of Entitlement.

## Timing of the notification

- A7.11 Providers must ensure that customers are notified without undue delay so that they have the information they need to be able to make informed decisions about using roaming services.
- A7.12 Providers are required to notify the customer when they connect to a mobile network in a country outside of the UK and each subsequent time they connect. The notifications are to cover both advertent and inadvertent roaming.<sup>159</sup> For example:
- If a customer travels to Country A then Country B then Country A again, they must get 3 notifications – one for Country A, one for Country B and then a further notification for Country A.
  - If a customer travels to Country A and while they are in Country A they inadvertently roam in Country B, they must get 2 notifications – one for Country A and one for Country B. If the same customer then re-connected to the network in Country A, they would get a further notification for Country A.
  - If a customer is in the UK and connects to a network in a country outside of the UK, they must get a notification for that country (e.g. for Ireland or France).
  - If a customer travels to Country A, returns to the UK and travels to Country A again, they must get 2 notifications for Country A – one when they first visit Country A and another when they return to Country A.
- A7.13 We will take a pragmatic approach to compliance monitoring and enforcement. In assessing compliance with the timing of the notification, we will consider whether providers have taken reasonable steps to ensure that roaming notifications are sent without undue delay and to address problems with delays in notifications being sent.

## Format of the notification

- A7.14 Roaming notifications must be sent directly to the customer's mobile device, irrespective of the type and form of that device (e.g. handset, tablet, laptop with a dongle).<sup>160</sup> The notification needs to be provided in an easily accessible format (e.g. text message, pop up message, free of charge landing page) and avoid customers having to actively search for the information. It also needs to be provided free of charge in a way that does not require the customer to use a paid roaming service in order to access it.
- A7.15 As required by Condition C5, providers should provide, on request and free of charge, information in a reasonably acceptable format to customers that need it because of their disabilities.<sup>161</sup>

---

<sup>159</sup> Inadvertent roaming occurs when a mobile device connects to a network intended for use in a country outside of the country that the customer is located in. This can happen when the signal strength from the network in the other country is stronger than the network in the country the customer is located in (e.g. near a border).

<sup>160</sup> Device or devices where there is more than one SIM attached to the customer's account.

<sup>161</sup> Ofcom, Section 12 [Statement on implementation of the EECC](#)

- A7.16 When assessing compliance with the requirements and whether to take enforcement action, we would consider the type of device and channel being used to provide the notification and if reasonable steps were being taken to ensure customers can easily access the notification.

## **Content of the notification**

- A7.17 Condition C3.15 specifies information that providers need to include in the roaming notifications. We set out below Ofcom's expectations relating to:

- Personalised information on roaming charges (paragraphs A7.19 to A7.23).
- Personalised information on mobile bill limits (paragraphs A7.24 to A7.27).
- Further information on roaming charges, fair use policies and how to monitor, reduce and limit spend on roaming services (paragraphs A7.28 to A7.32).

- A7.18 When assessing compliance with the requirements and whether to take enforcement action, we will consider:

- whether the information is accurate, clear and comprehensible; and
- the extent to which it has achieved the objective of enabling customers to make an informed decision about whether (and how) to use roaming services on the particular roaming network and enable customers to protect themselves against unexpected roaming bills.

### **Personalised information on roaming charges**

- A7.19 The notification must include information on roaming charges that is personalised to that customer so they know what charges they are liable to pay if they choose to use roaming services for the particular country (and the impact how much they use will have on the charges).

- A7.20 The basic personalised price information that providers need to set out in the notification includes:

- Whether roaming in the given country is included in a customer's existing tariff plan.
- If roaming is not included in a customer's plan or tariff, how much they will be charged (e.g. per minute, per text and per GB).
- If there is a charge based on a period of time, how much they will be charged for each period and when the period starts and ends (e.g. £X for 24 hours from first use, £X for each 24 hour period based on midnight to midnight local time, £X for each 24 hour period based on midnight to midnight UK time).
- If there is a limit on what a customer can use before they incur charges (or different charges apply), what that limit is and the level of charges for using services beyond that limit (e.g. no charges up to fair use data roaming limit of XGB and then £X per GB or a finite amount of data/calls/texts before a new pass or bolt on must be purchased). We

note some providers might cap calls and texts as well as data, and that any volume caps on calls and text should also be included in the notification.

- A7.21 In developing and reviewing the information they set out in their notifications to customers, we expect providers to ensure that they consider:
- How to present pricing information in a way that does not mislead customers or omit relevant information that could impact on the roaming choices customers make.
  - The terms and conditions of the particular tariff plan that the customer is on, and any changes to the tariff plan over time.
  - Whether there is additional information that they should provide in the notification itself or by signposting customers to where relevant information can be accessed (e.g. elements of a fair use policy other than volume limit that would impact on the charges the customer would need to pay in practice).
- A7.22 Price/charge information should be expressed in sterling and inclusive of any applicable taxes. Prices/charges for business customers can be expressed exclusive of VAT.
- A7.23 In addition to the roaming notification requirements in Condition C3.15, Condition C3.13 requires providers to notify consumers (and, unless agreed otherwise, microenterprise or small enterprise and Not-for-Profit customers) when services included in their tariff plan and billed on the basis of time or volume have been fully consumed (e.g. when reaching a fair use limit or the end of a daily charging period). Under Condition C3.14, such notifications must include information on any usage charges the customer will incur if they continue to use the service. These provisions apply to roaming services as well as UK usage.

***Good practice in this area includes:***

- *A provider having a single approach to how a time period is defined across different roaming services, systems and countries.*
- *Where a daily charge applies for using roaming services, defining a day as 24 hours from first use.*
- *Providing customers with information in the notification about the possibility of accessing emergency services by dialling 112 free of charge while roaming in the EU.*



## Personalised information on bill limits

A7.24 Section 124S of the Communications Act 2003 (the Act) requires providers to:

- Give all customers the ability to put a mobile bill limit in place when taking out a new contract or when renewing an existing contract, and to specify, amend or remove a mobile bill limit on reasonable notice at any time.<sup>162</sup>
- Notify customers in reasonable time (and so far as practicable) when their mobile bill limit is likely to be reached before the end of a billing period, and notify customers as soon as practicable if their mobile bill limit is reached before the end of the billing period.
- A customer's limit can only be exceeded with their express consent. If a service continues to be provided without this consent, the customer's use of the service does not constitute agreement to the limit being exceeded.

A7.25 These rules apply to mobile services used when roaming as well as to mobile services used within the UK.

A7.26 Under Condition C3.15 providers are required to include in the roaming notification personalised information on mobile bill limits. For customers that have a mobile bill limit in place, the notification should state clearly that this is the case and confirm the level of that limit (e.g. £5 per month). For customers that do not have a mobile bill limit in place, the notification should say this clearly.

A7.27 We note that the requirement to give customers the option to set or amend a mobile bill limit and to inform them about this does not preclude providers from putting additional backstop spend limits in place (e.g. to help customers manage their spend and avoid unexpected bills).

### *Good practice in this area includes:*

- *Informing customers whether they would need to amend an existing bill limit in order to use roaming services.*
- *Providers applying by default a backstop spend limit beyond which a customer would need to give their explicit consent to continue to be charged for use of roaming services (e.g. a default data roaming limit or a backstop spend limit that applies to all roaming services). This is particularly relevant where providers take longer to apply a request from a customer to set or amend a mobile bill limit.*
- *Considering the needs of different customer groups including disabled or vulnerable customers (e.g. easy to use usage monitoring tools to help financially vulnerable consumers manage their spend).*

---

<sup>162</sup> Ofcom, July 2017. [Mobile bill limits implementation](#)

**Additional information on roaming and how to set, amend or remove a mobile bill limit**

- A7.28 The notification must direct customers to at least one easily accessible channel on which they can:
- a) find clear, comprehensible, and accurate additional information on the charges applied for using roaming services (and any associated fair use policies) and the measures that customers can take to monitor, reduce and limit spend on roaming services ('further information').
  - b) set, modify or remove (as appropriate) a mobile bill limit.
- A7.29 That channel should be free to access. For example, a link to the relevant roaming section of a provider's website, a free-to-call phone number or free text number where they can access further information.
- A7.30 We would expect the further information to include:
- More details on the charges applied for using roaming services and a summary of the key points of any roaming fair use policies (e.g. data, call and text limits), and links to further details of any roaming fair use policies that would apply to the customer.
  - The measures customers can take to monitor, reduce and limit their spend on roaming services. This includes more information on opt-in measures such as mobile bill limits or default limits set by the provider and applying bars to roaming services (e.g. call barring options) and the risks and consequences of automatic and uncontrolled data roaming and how to avoid this (e.g. how to switch off roaming/data roaming). Providers should set out how customers can monitor spend (e.g. via apps or notifications which providers will send when a limit is nearing or has been fully consumed).
  - Other relevant information that providers consider will be important in helping customers make informed decisions and understand what may impact on use of roaming services and the charges they would be liable for (e.g. the types of services that may be subject to increased charges such as premium rate numbers, quality of service information).
- A7.31 We would expect providers to ensure that the further information they provide, particularly in relation to more detailed charging information, is quickly and easily accessible for customers regardless of the time of day.
- A7.32 Customers should also be able to set, amend or remove a mobile bill limit through a channel that is easily accessible and free to access. Providers should explain clearly how long it will likely take them to apply a request from a customer to set, amend or remove a mobile bill limit from the point at which it is requested by the customer; and how a customer can confirm the mobile bill limit is in place. This is particularly important where a provider does not apply the mobile limit immediately (or within minutes/hours).

**Good practice in this area includes:**

- Providers testing roaming information with customers and acting on feedback, including on ease of understanding and readability and ease of access.
- Providers ensuring roaming information is written in plain English.
- Providers making it easy to identify and access information that is relevant to them (e.g. checking search terms bring up the appropriate content, providing a country 'look up' facility to bring up information related to particular countries).
- Providing information to customers to help them understand how '2G and 3G switch off' happening in other countries may impact on their roaming experience when travelling. This may include communicating directly with customers who are more likely to be directly impacted (e.g. those who are regular travellers to relevant destinations).<sup>163</sup>
- Providing information on issues that may arise when roaming services are provided by a third party and are not therefore provided as part of the customer's mobile subscription contract (e.g. provided directly by a ferry company).
- Providers having systems and processes in place that apply changes customers have requested to their mobile bill limit (e.g. to set a limit or to amend the level of an existing limit) immediately or very soon after (e.g. within minutes/hours).

## Option to opt out and back in

A7.33 Under Condition C3.16, customers must have the option to opt out and opt back in to receiving roaming notifications. Providers need to ensure the process to opt in and out is easy for customers to access and use. Providers are required to make the option to opt out/back in clear to customers.

**Good practice in this area includes:**

- Periodically reminding customers about the option to opt back in to roaming notifications (e.g. an annual reminder ahead of the peak travel period). This can be particularly helpful for consumers who may not roam frequently and do not remember they previously opted out.
- Giving customers the option to 'pause' receiving notifications for a period of time rather than 'opting out' (e.g. pause until the next billing cycle, pause for a specified number of days).

---

<sup>163</sup> Ofcom, February 2023, [2G and 3G switch off: Our expectations of mobile providers](#) para 3.35.

## Examples

- A7.34 Examples of what the roaming notifications could look like are set out at as an Annex to this guidance. The content of the notifications will depend on a customer's tariff plan and whether a customer has a bill limit in place.

## Inadvertent roaming protections

- A7.35 Condition C3.17 requires providers to:

- Provide clear, comprehensible and accurate information to customers on how to avoid inadvertent roaming, particularly in border regions.
- Have measures in place to enable customers to reduce and/or limit expenditure related to inadvertent roaming while they are in the UK.

### Information on how to avoid inadvertent roaming in and outside of the UK

- A7.36 We expect that clear, comprehensible and accurate information on how to avoid inadvertent roaming both in and outside of the UK should include:
- Where customers may be more likely to experience inadvertent roaming (e.g. in particular border regions).
  - The potential impacts to customers of inadvertent roaming and how to mitigate these (e.g. how to adjust settings to connect to a particular network, how to switch off roaming, options available to bar certain roaming services).
- A7.37 Providers can publish such information on their website and can also include or signpost relevant information in their roaming alerts.

#### *Good practice in this area includes:*

- Include or signpost information on how to avoid inadvertent roaming in roaming alerts, particularly where the alert is sent to a customer in a country where there are greater risks of inadvertent roaming.

### Measures to enable customers to reduce and/or limit their spend on roaming services while in the UK

- A7.38 Providers are required to have measures in place to enable customers to reduce and/or limit their spend on roaming services while in the UK. We expect providers to have particular regard to customers in Northern Ireland given they are at greater risk of inadvertent roaming in Ireland while they are still in the UK. For the avoidance of doubt, we do not consider that satisfying the duty relating to bill limits under section 124S of the Communications Act 2003 is a sufficient measure.
- A7.39 We recognise that providers have different business models and offer a range of roaming services and tariffs. When assessing compliance with the above requirement, and whether to take enforcement action, we would consider the potential for, and extent of, any customer harm and whether the measures the provider has in place have achieved the

objective of helping customers to reduce and/or limit their spend on roaming services while they are still in the UK.

A7.40 Examples of such measures include:

- Treating Ireland usage as UK usage.
- Offering special tariffs covering Northern Ireland and Ireland.
- Not applying daily roaming charges for customers in Northern Ireland to use their UK allowance in Ireland.
- Not applying roaming fair use policies for customers in Northern Ireland for use in Ireland or applying the same fair use policies for Ireland as for Northern Ireland.

### **Access to information**

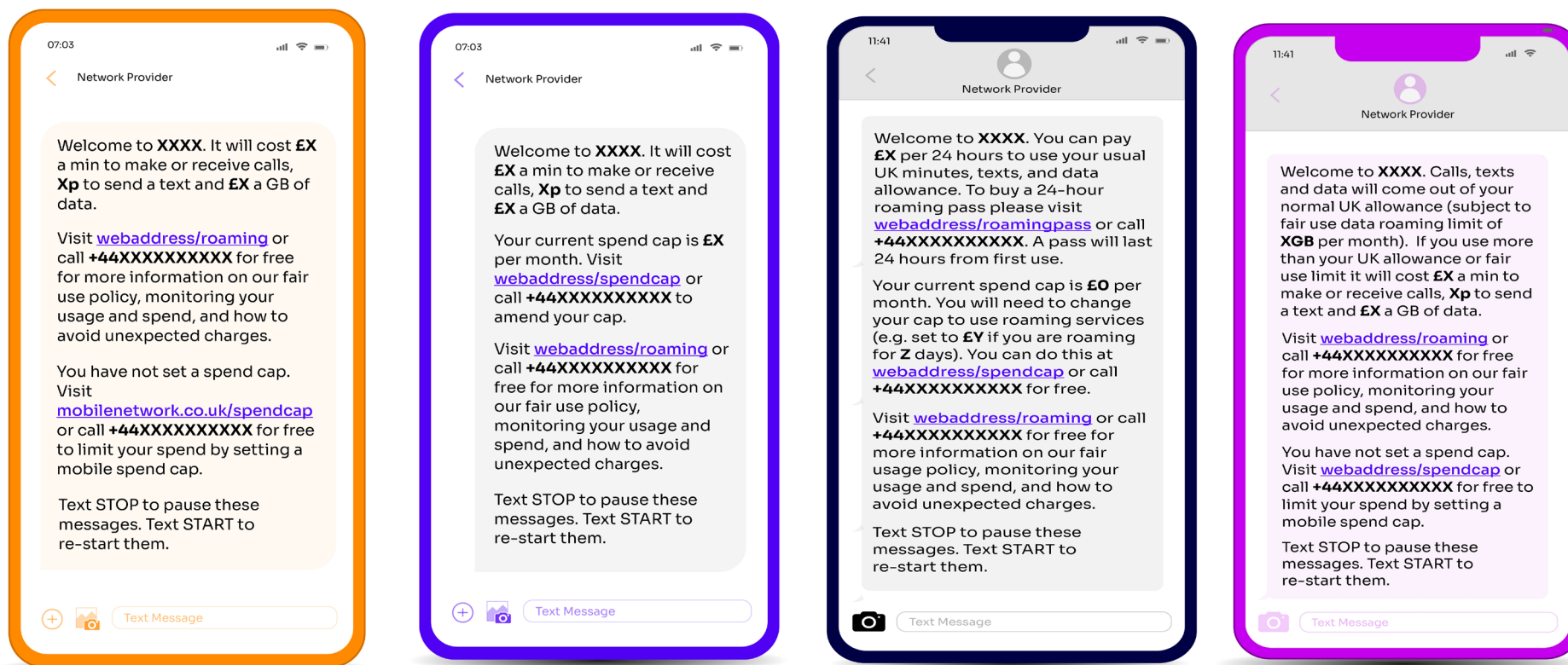
A7.41 Providers should take steps to ensure that information on the measures they have in place to enable customers to reduce and/or limit their spend on roaming services while in the UK are easily accessible. This includes:

- Having a dedicated webpage or website section.
- Making sure website search functions bring up relevant measures and useful information.
- Making information accessible (e.g. readable by screen reader software).

## Annex to Guidance on General Condition C3 – examples of roaming notifications

A7.42 Examples of what the roaming notifications could look like are set out below. The content of the notifications will depend on a customer's tariff plan and whether a customer has a bill limit in place.

Figure 1: Examples of roaming notifications



Example notes (left to right): (1) Alert where: (i) roaming not included in plan; (ii) no time period charges; (iii) no volume based fair use limits; and (iv) no mobile bill limit. (2) Alert where: (i) roaming is not included in plan; (ii) no time period charges; (iii) no volume based fair use limits; and (iv) mobile bill limit set. (3) Alert where: (i) buy pass to use UK allowance; (ii) daily charge applies; (iii) no volume based fair use limits; and (iv) mobile bill limit of £0 set. (4): Alert where (i) roaming included in plan (ii) no time period charges; (iii) fair use limits apply; and (iv) no bill limit set.