

## Consultation response form

Please complete this form in full and return to [RoamingConsultation@ofcom.org.uk](mailto:RoamingConsultation@ofcom.org.uk)

<b>Consultation title</b>	Mobile roaming: Strengthening customer protections
<b>Full name</b>	
<b>Contact phone number</b>	
<b>Representing (delete as appropriate)</b>	Organisation
<b>Organisation name</b>	MoneySavingExpert
<b>Email address</b>	

## Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

<b>Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.</b>	Nothing
<b>Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.</b>	None
<b>For confidential responses, can Ofcom publish a reference to the contents of your response?</b>	N/A

## Your response

Question	Your response
<p><b>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?</b></p>	<p><i>Is this response confidential? – N</i></p> <p>We would like to thank Ofcom for accepting evidence provided by MSE and paying due regard to our findings in the course of this work. We are pleased to see that many of our recommendations have been taken on board, and we welcome many of the proposals set out in this consultation.</p> <p>As Ofcom has acknowledged, MSE has been campaigning in this area for some time. Briefly, our August 2022 report, <a href="#"><u>The Roaming Risk</u></a><sup>1</sup>, set out a number of recommendations for reform of the roaming landscape, in the context of the UK's exit from the EU and the lapse of some key protections. We built on this with a further investigation into providers' fair use policies, making additional recommendations to improve how roaming policies are communicated to customers.<sup>2</sup></p> <p>To respond to question one, we will evaluate the proposals against MSE's recommendations for reform.</p> <ul style="list-style-type: none"><li>• <i>MSE recommendation: Immediately reinstate the fallen roaming consumer protections. These are:</i><ul style="list-style-type: none"><li>○ <i>Sending customers an SMS with pricing information when they begin roaming.</i></li><li>○ <i>Operating a monthly cap on data roaming fees.</i></li><li>○ <i>Providing protections against inadvertent roaming.</i></li></ul></li></ul> <p>We welcome the proposals concerning the new obligation on providers to send an SMS to customers "without undue delay" when they begin roaming. Ofcom's own research that 94%</p>

<sup>1</sup> MoneySavingExpert, [The roaming risk: how lapsed protections could cost consumers](#), August 2022

<sup>2</sup> MoneySavingExpert, [Revealed: The hidden cost of using your phone in Europe – here's which providers offer truly free roaming and how to avoid getting stung](#), last updated 24 July 2023.

of customers viewed the first message when they began roaming as either 'essential or helpful' clearly illustrates just how important this protection is for consumers, so we are pleased to see it reinstated. We also welcome the proposals related to inadvertent roaming, which we consider further in question 2.

Regarding the monthly cap on data roaming fees, we appreciate that Ofcom has suggested providers can operate a monthly cap as good practice, but ideally, we would like to see this proposal go further and require monthly caps to be mandated. This is for two key reasons:

- The move from a mandated to a voluntary monthly data cap represents a weakening of consumer rights following the UK's exit from the EU. We are particularly concerned about the impact this may have on vulnerable consumers, or those with low media literacy, who may find it more difficult to set their own limits, and who previously benefited from a blanket, permanent roaming data cap.
- We acknowledge that Ofcom notes many providers already offer a default roaming cap on a voluntary basis, but we have found that this cap varies greatly among providers. This makes it difficult for consumers to know exactly what protections they have.

MSE's recent investigation into different roaming policies found that, for example, Three and Sky Mobile's cap is £45, 02's is £43 and EE does not set a cap at all. Among the piggyback providers, a sample of default caps illustrate a range from £10 (Plusnet), to £52.50 (Virgin Mobile), with many in between.<sup>3</sup> This creates an unfair landscape where some consumers are better protected against shock roaming charges than others, simply due to the default cap their provider decides to

<sup>3</sup> For MSE's full analysis, see the table *Data roaming limits in Europe*, at: <https://www.moneysavingexpert.com/news/2023/07/mobile-roaming-data-fair-use-cap-europe/>, last updated 24 July 2023.

put in place – which could change at any time.

While we are really pleased to see two key protections re-instated, we ask Ofcom to rethink its proposals and reinstate a mandated monthly roaming data cap. This would provide consumers with a key defence against racking up expensive data charges, which is especially important for the most vulnerable users.

- *MSE recommendation: Ideally, all providers should define a 'day' as a 24-hour period from first use. At a minimum, a day defined as 'up to 11.59pm on the same day' should be scrapped.*

We are encouraged to see Ofcom take up this recommendation in its good practice guidance, as a new suggestion for providers. However, the best outcome for consumers is if all providers use the same definition, so we ask Ofcom to go further in its proposal and mandate that a roaming 'day' be defined by all providers as a 24-hour period from first use.

As MSE first set out in our report, of the four major networks EE is the only one to define a 'day' as until 11.59pm UK time. This risks confusion, which could lead to a scenario where a customer lands in a country at 11.55pm UK time and pays £2 for a 'day' of roaming, but can only access their data for five minutes before being asked to pay again. This is not a fair outcome for consumers, especially when considered alongside our concerns (outlined further below, and echoed by Ofcom) that many providers' websites do not provide easily understandable information about roaming policies for consumers to access prior to travelling – meaning that for some customers, the alert asking them to pay a second time could be the first time they've been notified of this policy.

This wide-ranging package of reform presents the perfect opportunity to scrap the definition of a roaming 'day' of 'up until 11.59pm', and mandate that a 'day' of data roaming is a 24-hour period.

- *MSE recommendation: All providers should be mandated to clearly explain*

*how they define a 'day' and the fair use policy in place, if any, in the arrival SMS that customers receive.*

It is very welcome that the proposals include an amendment to the General Conditions to mandate that providers include personalised information in the arrival notification, including information on any time periods (i.e. the definition of a 'day') and any quantitative limits (i.e. fair use policies) in place.

As we demonstrated as part of our response to Ofcom's plan of work, and in our recent follow-up work regarding fair use policies, the information given in arrival messages currently varies greatly among providers. MSE's analysis of the big providers that charge for a day's use of roaming data found that only two of the three set out their definitions of a 'day'.<sup>4</sup> Of most concern was the provider EE, as it is the only provider to define its day 'midnight to midnight UK time' which is not set out in the arrival text.

In July 2023, MSE also looked at providers which offer the most restrictive data fair use policies, and found that few set out the specifics of their fair use cap on their websites, with some not mentioning the cap at all. Of the four most restrictive providers, only one included specific information on its fair use cap. However, after MSE's investigation, two of these providers did then tell us they would be making changes to ensure their policies were clearer.<sup>5</sup>

We strongly support these proposals, which will greatly improve the quality and consistency of information provided on arrival, allowing all consumers, regardless of their chosen provider, to make informed choices about their data use while abroad.

- *MSE recommendation: Providers should alert customers at least an hour before the end of the 'daily' roaming period, so they know they will incur additional*

<sup>4</sup> Analysis first carried out in August 2022 as part of [The Roaming Risk](#), and reviewed in September 2023.

<sup>5</sup> MoneySavingExpert, [Revealed: The hidden cost of using your phone in Europe – here's which providers offer truly free roaming and how to avoid getting stung](#), last updated 24 July 2023.

*charges if they continue to use mobile services.*

We welcome the proposals to mandate that providers must notify customers when either the roaming 'day' has come to an end, or when they have used all of their inclusive roaming data, as a useful alert for consumers. But, there could be even better communication from providers – Ofcom should mandate that customers be notified shortly before the end of the roaming period, for example an hour before the end of a roaming 'day', instead of only at the end of the roaming period when a customer could already have been charged again.

While we disagree with Ofcom's decision to not mandate a roaming 'day' as a 24-hour period, it is important to note that within the current proposals, it would be especially important to give consumers an additional alert that their roaming period is coming to an end. This will remind consumers of the time limits attached to their roaming package and allow them to reasonably consider whether they need to purchase additional time.

This additional protection would provide consumers with the best possible information about their roaming usage, preventing them from being caught out by inconsistent roaming 'day' definitions, or restrictive data fair use policies – overall allowing them to make informed decisions about their mobile spending.

- *MSE recommendation: All providers must state clearly what their fair use policy is as part of any mention of EU roaming at the point of sale.*

The consultation echoes MSE's concerns about the quality and visibility of roaming information on providers' websites.<sup>6</sup> While this consultation is focused on arrival alerts, which we agree are in need of reform, we look forward to engaging with Ofcom further on how providers' websites should be improved.

<sup>6</sup> Ofcom, [Mobile Roaming: Strengthening customer protections](#), p.31.

	<p>In our response to Ofcom's plan of work, we set out some analysis of poor website communication which illustrated how consumers must actively search for information which is not easily presented to them. Examples we set out to Ofcom included fair use policies being hidden under scrolling banners or on different pages to those needed to complete the sign-up process.</p> <p>In addition to these new measures, Ofcom should also consider mandating minimum quality and visibility requirements for providers' websites.</p>
<p><b>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?</b></p>	<p><i>Is this response confidential? – N</i></p> <p>As we recommended in our report, <i>The Roaming Risk</i>, the key protections around inadvertent roaming which consumers benefited from prior to the lapse of the EU regulations should be reinstated. We believe that the proposed new obligations on providers related to inadvertent roaming do reinstate the same level of protections for consumers, so we welcome these proposals in full.</p> <p>Additionally, a mandated monthly roaming cap, as we suggested above, would provide an extra level of protection for those who may find themselves inadvertently roaming – particularly those who do not check their device often and therefore miss alerts from their provider.</p>
<p><b>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?</b></p>	<p><i>Is this response confidential? –N</i></p> <p>MSE has been calling for action to be taken on roaming policies since August 2022, with consumers being left without key protections for over a year already. Ideally, we would have liked to have seen changes already in place for Summer 2023.</p> <p>We question whether a further 6-month period for implementation is necessary, as we have seen providers take fast action in some cases. For example, a few weeks after MSE's investigation into restrictive roaming fair use policies, Asda Mobile told us it would ensure its 5GB data roaming cap is clearer for customers</p>

on sign up, Giffgaff told us it would make its welcome message clearer, and 1pMobile changed its welcome message to explicitly warn consumers about its 14GB EU roaming cap.<sup>7</sup>

As we have already seen the speed at which providers can implement change, we would like to see these proposals brought in as soon as possible, and certainly in time for Summer 2024.

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