MoneySavingExpert

The roaming risk:

how lapsed protections could cost consumers



About MoneySavingExpert.com

MoneySavingExpert.com is dedicated to cutting consumers' bills and fighting their corner. The free-to-use consumer finance help resource aims to show people how to save money on anything and everything, and campaigns for financial justice. It was set up in 2003 for just £100, and its free-to-use, ethical stance quickly made it the UK's biggest independent money website, according to internet ranking site Alexa.com, and the number one 'Business and Finance – Business Information' site, according to Hitwise.

It has more than 8.4 million people opted-in to receive the weekly MSE's Money Tips email, and 10.8 million unique monthly site users who visit 19.6 million times a month, including the MSE Forum, which has more than two million registered users. In September 2012, it joined the MoneySupermarket.com Group PLC.

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Summary

This summer, consumers are facing an upheaval to the rules that govern roaming abroad, which will leave many paying higher prices and all with weaker rights.

At the end of June 2022, networks Vodafone, Three, Sky Mobile, EE and Voxi had all reintroduced charges of £2 per 'day' to use a UK allowance when travelling in the EU/EEA, subject to a fair use agreement.

Yet MSE's new analysis has found that networks are not always upfront about how they define this 'daily' charge. While what constitutes a day might seem obvious, not all networks use a consistent definition of a 'day' in their EU/EEA roaming pricing – risking huge confusion among consumers which could ultimately cost them if they are caught out. Most define a day as 24 hours from first use, but one defines a day's use as anything up to 11.59pm UK time the same day.

This could mean that a customer is charged the full daily rate for just five minutes' use, if they were unaware of this deadline. This is an unfair policy which could lead to bad outcomes for consumers.

Adding to this already unclear situation is the fact that some networks do not even have consistent definitions *between* their own roaming products. So, they measure a day one way in the EU, but bizarrely, use a different calculation if the same customer travels elsewhere. This risks widespread consumer confusion, and the potential for many to return home to unexpectedly high mobile bills.

This comes at a time when important protections against unexpected roaming costs have recently fallen away in UK law. As of 1 July 2022, there is now no legal or regulatory obligation for mobile networks to:

- Send customers an SMS when they begin roaming.
- Operate a monthly cap on data roaming fees.
- Provide protections against inadvertent roaming.

Networks have said they will voluntarily continue to follow these rules, but this could change at any time, leaving consumers vulnerable to sharp changes in networks' policies.

Ofcom is currently undertaking work to review options for roaming protections for customers, which presents it with an opportunity to find solutions to a range of issues. To ensure consumers are protected against unexpected roaming costs, MSE recommends that Ofcom, with any necessary support from the Department for Digital, Culture, Media and Sport (DCMS) immediately re-instates the fallen roaming consumer protections, to ensure consumers are not relying on voluntary agreements for protections which were previously set out in law.

In doing so, Ofcom should make further changes to the rules so that:

- Ideally, all providers should use the same definition that a 'day' is 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.
- All providers should be mandated to clearly explain how they define a 'day' in the arrival SMS that customers receive.
- Providers should alert customers at least an hour before the end of the 'daily' roaming period, so they know they will incur additional charges if they continue to use mobile services.

Martin Lewis, founder of MoneySavingExpert.com said:

"I've no faith in mobile firms to self-regulate. When we left the EU, they promised not to reintroduce European roaming charges... yet most of the big networks have broken that promise. So our report calls on Ofcom to not trust voluntary promises – we need to reintroduce the formal, compulsory consumer protections.

"And it's time too, to define time. We need to ban a daily roaming fee charged for use 'up to 11.59pm' without even mentioning in which time zone. Instead, we recommend all providers must define a roaming 'day' as a 24-hour period from first use, clearly explain that in the arrival text, and alert customers at least an hour before the daily charges end."

Context: Some consumers will now be paying to roam in the EU, and at the same time, consumers have lost key legal protections from unexpected data roaming costs

Prior to the UK leaving the EU, consumers in the UK were covered by the EU's 'Roam Like At Home' rule (Regulation (EU) 2022/612). Brought in across the EU in 2017, this meant that operators were not allowed to charge additional fees to customers who used their mobiles in other member countries (plus Iceland, Norway and Liechtenstein which make up the European Economic Area), including sending or receiving calls and texts, and using data. Data usage was subject to a fair use policy which did allow operators to apply "fair, reasonable and proportionate control mechanisms".

Now the UK has left the EU, UK customers are no longer covered by the 'Roam Like At Home' policy. Operators can impose a surcharge on UK customers using their mobiles in the EU or European Economic Area (EEA).

As of 1 July 2022, consumers are also no longer legally protected by key roaming regulations that were temporarily applied following the UK's exit from the EU. While it is expected that providers will continue to apply these protections, the lack of legal and regulatory compulsion to do so means that they can choose to take them away at any time.

In practice, this all means that some major networks have recently introduced roaming charges for UK consumers visiting the EU/EEA, with customers now facing less stringent protections. Vodafone, Three, Sky Mobile, EE and Voxi will now charge £2 per 'day' for roaming in the EU/EEA. Of the major mobile providers, only O2 currently has no similar plans. Whether customers will be affected largely depends on when they took out their contracts (see table 1).

MSE has also spoken to a number of companies who have said that they do not currently plan to introduce fees for EU-roaming at this time. These include:

- BT Mobile and Plusnet
- iD Mobile
- O2
- Giffgaff

- Smarty
- Utility Warehouse
- Virgin Media

However, networks could choose to re-introduce roaming charges within the EU/EEA at any time. Tesco Mobile is due to start charging pay-monthly users who joined or upgraded from 16 June 2022 to use their mobiles in Europe from 1 January 2023, with full details of what this will look like yet to be confirmed.

What protections do customers have when roaming abroad?

Prior to 1 July 2022, customers were protected by rules set by Ofcom, as well as legislation carried over from the EU after Brexit. On 30 June 2022, this legislation fell away in UK law, leaving consumers without key legal protections.

Currently, there are a couple of measures in place to protect consumers using their phones to roam, including:

- Mobile companies must publish details of roaming charges on their websites.
- Mobile companies must tell customers about any contract changes. Where changes
 particularly disadvantage customers, they have to give at least a month's notice and allow
 customers to exit their contracts without imposing penalties.

Further measures which have now lapsed, but which providers are expected to continue with on a voluntary basis, include:

- Mobile companies must send customers an SMS with pricing information when they start roaming.
- A £45 (excl VAT) per month cap on data roaming charges. Providers are required to tell
 customers when they have reached 80% of this limit, and again when they have reached the
 full limit. When a customer reaches this limit, they must opt in to accept additional charges
 for continuing to use data. However, in some cases, if a customer signs up for a network's
 roaming add-on, they may also be opted out of the £45 cut-off limit.¹
- Providers must make customers aware of how to avoid inadvertent roaming.²

The Government said that it expects providers to continue to maintain these protections. MSE has spoken to BT, EE, Plusnet, O2, Three and Vodafone, who have all confirmed that they will still maintain these rules for customers. However, without any laws in place, providers could take these protections away at any time.

Ofcom has said that it is now looking into some options for roaming protections for customers. It has said this work will not cover the level of roaming prices, as the regulator does not have the power the stop mobile providers from charging customers for roaming.³ Ofcom also said that any changes to roaming protections would be subject to public consultation.

What do firms charge in the EU and the rest of the world?

Due to the end of the UK's participation in the EU's 'Roam Like at Home' policy, many mobile networks are now charging customers for using their phone whilst travelling in the EU/EEA and the rest of the world. One network, Sky Mobile, has introduced a blanket roaming charge of £2 a day for customers using their mobile in 55 countries, including the EU/EEA and some rest of world countries, like the USA and Australia. But networks can charge significantly more for roaming in the rest of the world, compared to the EU/EEA.

The Government has made clear that the re-introduction of roaming charges within the EU is a commercial decision for mobile operators, but it welcomed the decision of some operators to maintain free roaming within the EU.⁴

Crucially, there are no rules that require networks to calculate roaming charges in a consistent way, leading the door open to customers being confused and caught out.

¹ See: 'There's an automatic £45 data cap in place, but you could accidentally opt-out', https://www.moneysavingexpert.com/mobiles/cheap-roaming-calls/

² 'Inadvertent roaming' can happen when a mobile signal from a country across the border is stronger than the one the customer is in. This can happen in Northern Ireland, for example.

³ Ofcom, 'Using your mobile abroad', accessed 30 May 2022

⁴ See: https://questions-statements.parliament.uk/written-questions/detail/2022-01-10/100685

The examples below are not a comprehensive list of roaming bundles available on the market, and focus mainly on examples from the major networks reintroducing EU-roaming fees. This is to compare their communications to customers across their roaming bundle range. We have also not included any pay-as-you-go rates.

New EU-roaming charges of £2 per day will be brought in by major networks in 2022

At the end of June 2022, Vodafone, EE, Sky Mobile, Three and Voxi had all introduced new daily charges for customers using their mobiles in the EU/EEA. These charges affect all new customers, and some existing customers depending on when they signed up to their mobile contract.

Table 1 outlines when the new charges were introduced and which customers they affect. We have also seen examples of the SMS notifications sent to customers on arrival in the EU/EEA (reproduced in the annex on page 12) and assessed whether these clearly explain how the provider defines a 'day'.

Table 1: Networks charging £2 per 'day' for roaming in the EU

Network	Date of introduction of charges	Definition of a 'day'	Definition of a 'day' explained in SMS notification?	Affects those who took out contracts or re-contracted on or after
Vodafone⁵	31 January 2022.	24 hours after first use.	No – does not explain what a 'day' is.	11 August 2021 (excludes those on an 'Xtra' plan with 4 Xtra benefits).
EE	3 March 2022.	Until 11.59pm UK time.	No – does not explain what a 'day' is.	6 July 2021.
Sky Mobile	3 May 2022.	24 hours after first use.	Yes – explained as 24 hours from first use.	Affects all Sky customers who travel to the EU after 3 May 2022.
Three	23 May 2022.	24 hours after first use.	Yes – explained as 24 hours from first use across two separate messages.	1 October 2021.
Voxi ⁶	23 June 2022.	24 hours from 12.01am (UK time) the day after you purchase a pass.	No – does not explain what a day is.	Affects all customers who travel to the EU after 23 June 2022.

⁵ Vodafone also offers roaming for £1 per day on its 8-day or 15-day bundle.

⁶ To activate EU roaming, a customer must purchase an EU roaming pass. Voxi also offers roaming for £1 per day on its 8-day or 15-day bundle.

Different surcharges are applied for roaming outside the EU

The 'Roam Like At Home' policy had no impact on what operators could charge for service use in countries outside the EU/EEA, and many operators charge significantly more for data use outside this area. Some roaming bundles can be used for both EU/EEA and rest of world roaming, and may offer different benefits to customers, for example those wanting to use more data than is included in their UK allowance.

Tables 2 and 3 give some examples of rest of world roaming bundles offered by the mobile networks re-introducing EU-roaming charges.

Table 2 details the daily charge by providers for customers to use their UK contract allowance in countries outside the EU/EEA. As with Table 1, we have also seen examples of the arrival SMS sent to customers detailing these charges and assessed whether these explain how the provider defines a day.

Table 3 details other packages that are available to customers travelling outside the EU/EEA. These packages require the customer to actively purchase them, usually by logging onto their account in the provider's website or app. As such, customers should be given the opportunity to review the T&Cs of the bundle before purchase (including the definition of a 'day'), unlike the daily charges in Tables 1 and 2, which are applied as soon as the customer uses their contract plan allowance abroad.

The list is non-exhaustive of bundles offered, and some countries are not covered by these plan types. Some networks offer only pay as you go roaming outside the EU/EEA, so have not been included in this table.

Table 2: Networks charging a daily rate for roaming outside the EU/EEA.

Provider	Daily charge	Definition of a 'day'	Definition of a 'day' explained in arrival SMS notification?	Type of plan
Vodafone	£6 a day to use UK allowance.	Midnight to 11.59pm in the capital of the country being visited.	No – does not explain what a 'day' is in its SMS for customers arriving in a 'Zone C country'.	Charge applies for all 73 'Zone D' ⁷ worldwide destinations. Charges also apply for all 32 'Zone C' ⁸ worldwide destinations unless a customer is on a specific plan. ⁹
Sky Mobile	£2 a day (since 3 May 2022) to	24 hours from first use.	Yes – explained as 24 hours from first use.	Roaming Passport Plus, for 55 countries

⁷ Zone D countries can be viewed on Vodafone's website: https://www.vodafone.co.uk/mobile/global-roaming/destinations

⁸ Zone C countries can be viewed on Vodafone's website: https://www.vodafone.co.uk/mobile/global-roaming/destinations

⁹ Charges for roaming in a Zone C country apply unless a customer is on an unlimited data Xtra Plan with 4 Xtra benefits, or bought a Red Entertainment plan between 4 September 2019 and 11 July 2019, or Unlimited Max plan between 12 July 2019 and 14 June 2021.

	use UK			incl EU/EEA, USA,
	allowance.			Australia, UAE, Turkey
				(does not include
				Hong Kong, Qatar or
				Thailand).
Three	£5 a day to use	24 hours from	Yes – explained as 24	Go Roam Around The
	UK allowance.	first use.	hours from first use	World (71
			across two separate	destinations).
			messages.	

Table 3: Examples of other packages available for customers to purchase, in the EU/EEA and rest of world.

Provider	Charge	Definition of a 'day'	Definition of a 'day' explained in SMS notification?	Type of plan
Three	£5 a day for unlimited data.	Up until 11.59pm UK time.	Yes – explained as 24 hours in the SMS after the customer has purchased and activated the product.	Data passport (UK and 89 destinations – unlimited, unrestricted data use).
Voxi	£15 for 8 days or £25 for 15 days of inclusive services.	Up to 11.59pm UK time on the eighth or fifteenth day.	N/A: bundle applies longer than one day.	Global roaming extra (8 days = 100 mins, 100 texts, 2 GB data; 15 days = 200 mins, 200 texts, 4GB data) in 73 eligible countries.
EE	£10 a month to use UK allowance.	Monthly charge, lasts until the next bill or until the allowance is used up whichever comes first.	N/A: bundle applies longer than one day.	Roam Abroad Pass (47 European destinations + USA, Canada, Mexico, Australia and NZ).

The problems: Consumers are lacking key legal protections and current roaming communications risk consumer confusion, overpaying, and don't enable informed decisions

The current roaming free-for-all is causing three key problems:

Problem 1 – consumers are no longer legally protected by key provisions, instead relying on providers to follow rules on a voluntary basis

As it currently stands, providers are expected, but not legally required, to send customers an SMS when they begin roaming, to set a monthly cap for data roaming of £45 + VAT which requires the customer to opt in to continue using data, and to give protections to customers against inadvertent roaming. While providers have told us they intend to continue to follow these rules, they may decide at any time not to. This leaves consumers without strong protections.

Scenario: The provider Three decides to no longer abide by the voluntary rules of sending a customer an arrival SMS when they begin roaming, or to opt them in to the monthly £45 + VAT data roaming cap. A customer then travels abroad and does not receive a roaming message, mistakenly believing this means they will not be charged for using their contract allowance while away. As they are not opted-in to any data roaming charge cap, they rack up hugely expensive data charges, which they only become aware of when they receive their next bill.

Problem 2 – consumers might pay for a day but only get 5 minutes' use

Providers are currently able to offer roaming products that expire the same day they are taken out – for example, calculated at midnight in the UK or the capital city of the destination country (as shown in Tables 1 and 2). A customer who is unclear of this when activating roaming, or who is simply unlucky with their time of arrival in a destination, could be unfairly charged a full daily allowance for just five minutes' use.

Scenario: An EE customer flies to Spain and lands at 11.50pm UK time. When they land, they switch on their phone and send a few quick WhatsApp messages to say they've arrived safely. This activates the £2 per day charge for using a service. They receive a message in reply at 12.10am. For the first messages, they've effectively been charged £2, and then a further £2 to receive a reply – although they will now not be charged again until 12am the next day (UK time).

Problem 3 – networks could confuse their customers by using different definitions of a 'day' for EU roaming versus the rest of the world

Of the three providers who define a day as <u>24 hours from first use</u> for their EU-roaming charges, Vodafone and Three also offer a rest of world roaming product with a different calculation of a 'day'. For example, Vodafone charges £6 a day for rest of world roaming (with some plan exceptions) but defines a day as <u>up until 11.59pm in the capital of the country</u> the customer is visiting. Similarly, Three's data passport, which offers unlimited data for £5 a 'day' in the UK and 89 destinations, defines a day as <u>up to 11.59pm UK time</u>.

These differences within providers' own approaches pose a high risk of consumer confusion, as many would sensibly assume that the same rules apply across the board when they are travelling – and so will likely be caught out on arrival.

Scenario A traveller using Vodafone has recently paid £2 for 24 hours' use of their UK data allowance in the EU. They then travel to Canada, landing at 11.30pm local time. They switch on roaming when they arrive, paying £6 to use their UK allowance, but are shocked to find it expires at 11.59pm local time – expecting it to last the same 24 hours as the similar product for EU-roaming.

Recommendations

It is vital that previous roaming protections are re-instated and clearer communications are provided to ensure consumers are fully informed about how roaming charges by some mobile providers may affect them. This is particularly crucial now that many networks are re-introducing EU roaming fees.

MSE recommends that Ofcom, with any necessary support from DCMS, immediately re-instates the fallen roaming consumer protections, to ensure consumers are not relying on voluntary agreements for protections which were previously set out in law.

These protections are:

- Providers must send customers an SMS with pricing information when they start roaming.
- The £45 (excl VAT) per month cap on data roaming charges.
- Providers must make customers aware of how to avoid inadvertent roaming.

In doing so, Ofcom should make further changes to the rules so that:

- Ideally, all providers should use the same definition of a day that a 'day' is 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.
- All providers should be mandated to clearly explain how they define a 'day' in the arrival SMS that customers receive.
- Providers should alert customers at least an hour before the end of the 'daily' roaming period, so they know they will incur additional charges if they continue to use mobile services.

Annex

MSE has seen examples of the SMS messages with pricing information that are sent to customers when they start roaming (set out below). We have found inconsistency between operators' messages. For example, Sky Mobile explains that a 'day' is 24 hours in its message, but Vodafone does not clarify that a 'day' for its £2 EU-roaming charge is 24 hours from first use, whilst a 'day' for its £6 rest of world roaming charge is up until 11.59pm in the local capital city.

Sky Mobile

Example for a customer arriving in any of the 55 countries included in the Roaming Passport Plus bundle:

Welcome to France. With Roaming Passport Plus, you can use your UK data plan for £2 a day in all EU/EEA destinations. If you have Unlimited Calls and Texts, calls and texts to the UK are inclusive. For Pay As You Use calls to the UK are £0.10 a minute and texts are £0.10. Calls to all EU/EEA destinations are £0.55 per minute and texts are £0.10

For call/text rates to other destinations, go to sky.com/mobiletariffguide or for more information, go to sky.com/roamingpassportplus. To stop getting these texts call 150. It's 112 for emergency services.

Check any monthly spend cap on your account is set at £2 or more to be able to use this feature at sky.com/spendcap

Your £2 pass will activate as soon as you make a call, send a text or use more than 10MB of data a day. It lasts for 24 hours and you'll only be charged for the days you use. To avoid charges, turn data roaming off in your phone settings and avoid making calls or texts.

If your data is not working and you're connected to 3G or 4G, there might be a problem with the settings on your phone. Connect to Wi-Fi and visit sky.com/apn to update your settings.

Vodafone

Example SMS for a customer who travels to the EU/EEA, and does not have roaming included in their plan:

Hello. Welcome to {VCountry}. It's one of our Zone B Europe destinations. It's £2 per day to use the calls, texts and up to 25GB of data (including Extras) from your plan here. Don't worry, though — you'll only pay for the days you use your plan's allowances. If you purchased an 8 or 15 day Roaming Pass for £1 per day you have nothing more to pay for the duration of the pass. Data used over your allowance and less than 25GB costs the same as it does in the UK. If you use more than 25GB, it's 0.31p per MB. Head free of charge to https://assistance.vodafone.co.uk/travelling-abroad or more information. For emergency services call 112. Have a great trip!

Example SMS for a customer who travels to a rest of world destination, and does not have roaming included in their plan:

Hello. Welcome to {VCOUNTRY}. It's one of our Zone C Worldwide destinations – which means it's £6 a day to use the calls, texts and 25GB of data (including Extras) from your plan here. Don't worry, though – you'll only pay for the days you use your phone Data used over

your allowance and less than 25GB costs the same as it does in the UK. If you use more than 25GB, it's 0.31p per MB (£3.13 per GB). Head to www.vodafone.co.uk/travelling for more information. For emergency services call 112. Have a great trip!

Three

Example SMS for a customer landing in one of Three's roaming destinations:

Go Roam Europe:

Welcome to Germany. You can use your UK monthly allowance to call/ text the UK, between EU destinations and to go online (fair use policies apply) see 3.uk/ow7. If you joined Three or upgraded after 1.10.21, we'll apply a charge of GBP2.00 to unlock your UK allowance for 24 hours. This charge counts towards your Spend Cap. If it is set to zero or you have exceeded your limit, you will not be able to roam. See 3.uk/my3 to change your Spend Cap. If your UK data allowance is greater than 12GB, any data usage above this within your allowance is 0.3p/MB. Once you have reached your allowance limit, you will be charged the same as at home. See full terms at 3.uk/y5y. If you don't want to be charged, turn off data roaming and use WiFi. To opt out of these notifications text STOP to 330. In an emergency call 112 (free).

Go Roam Around the World:

Welcome to Hong Kong. If you're on an Advanced Plan you can use your UK monthly allowance to call/ text the UK and go online (fair use policies apply) see 3.uk/ow7. If you joined Three or upgraded after 1.10.21 we'll apply a charge of GBP5.00 to unlock your UK allowance for 24 hours. This charge counts towards your Spend Cap. If this is set to zero or you have exceeded your limit, you will not be able to roam. See 3.uk/my3 to change your Spend Cap. If your UK data allowance is greater than 12GB, any usage above this within your allowance is 0.3p/MB. Any usage beyond this will be charged at our standard rates (up to GBP1.40/min to call, 2p/text & 1p/MB). See full terms at 3.uk/y5y. If you're on an Essential Plan all usage is at our standard rates. If you don't want to be charged, turn off data roaming and use WiFi. To opt out of these notifications text STOP to 330.

Example SMS when the Daily Roaming Charge Starts:

You're in a Go Roam destination. There is a daily charge to unlock your UK allowances in Go Roam destinations for 24 hours. Its £2 in Go Roam Europe destinations and £5 in Go Roam around the world destinations. The charge starts when you use any of your allowances in a Go Roam destination including makes calls, sending texts or using data. For more information: http://www.three.co.uk/go-roam or call +4477823333333.

Example SMS when the Data Passport has been activated

Your Data Passport ends midnight UK time. After this, extra charges may apply or we may turn data roaming off. More at http://mobile.three.co.uk/datapassport

EE

A customer arriving in a country in the EU/EEA:

Hi from EE. Welcome to Spain, you'll pay £2 per day to use your minutes, texts and data allowance. Visit ee.co.uk/roaming for more information.

Calls to countries outside the EU are £1.35 per min and texts 56p each. Other charges are the same as when you're in the UK.

For the best coverage your handset must automatically select a network. To do this, choose your phone from: http://ee.co.uk/help/phone-and-device next select 'Connectivity' then 'Selecting Network'.

Call +447953966250 for Customer Services & 112 in case of emergency. Have a good trip!

Voxi

A customer arriving in a country in the EU/EEA:

Welcome to {VCOUNTRY}. To use your plan's minutes, texts or data allowance you'll need to add one of our European Roaming Passes. These are available from £2 a day, or £1 a day if you purchase an 8 or 15 day pass. A fair use policy of 20GB applies to data while roaming. Head free of charge to https://assistance.vodafone.co.uk/voxi to find out more. For emergency services call 112. Have a great trip!

A customer arriving in a country outside of the EU:

Hi. Welcome to {COUNTRY}! It's xp/min to make calls, xp/min to receive calls, xp to send a text, xp to send a picture message, and xp/MB data. You might also be able to get a Roaming Extra to avoid roaming charges. Head to voxi.co.uk/account to find out more and check eligibility. For terms it's voxi.co.uk/terms. For emergency services, call 112. For the rest of your trip: have fun!