



# Mobile roaming: Strengthening customer protections

Response to Ofcom's consultation on proposals for new rules  
and guidance

September 2023

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## Introduction

While Sky agrees that it is important that customers can make informed decisions about their roaming use and that, in order to do this, they 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, aspects of Ofcom's proposed rules are excessive, and their need is not supported by Ofcom's own evidence.

Ofcom's proposed amendments to General Condition C3 to introduce new rules and accompanying guidance are an unnecessary regulatory intervention in a sector which has well-established measures in place to provide customers with the information that Ofcom intends to mandate. The proposed new rules assume that customers rely wholly on information supplied by providers at the point of roaming, when the evidence clearly indicates that most customers take proactive steps to seek out relevant information before travelling. The rules also assume that, without regulation, providers will simply do away with the systems that they have invested in, and which provide necessary information to customers.

It is Sky's intention to continue to provide necessary information to equip customers to take control of their roaming spend, and we therefore have substantive concerns only about GC3.15d, which is unduly intrusive and would require significant resource and technical development with associated costs, and whose need is not established by Ofcom's research. There is nothing in the evidence to suggest that including in a roaming notification information on the existence of bill limits and how to check, set, and manage them along with links to the relevant channels to do so would not "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".

In any event, an implementation period of six months is insufficient to develop, build and test the technical systems required to include personalised bill limits in roaming notifications. Sky considers at least twelve months would be needed in order to introduce this.

## 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?

It is difficult to see what harm Ofcom is trying to prevent when its own research indicates that most, if not all, of the major providers already provide the information that Ofcom intends to prescribe.<sup>1</sup>

Ofcom's proposals for new rules and guidance regarding mobile roaming in the name of strengthening customer protection set out in the Consultation published on 20 July 2023<sup>2</sup> (the "Consultation") are largely duplicative of well-established measures already in place across the sector, and assume both that customers are passive and take limited, if any, steps to engage with the products and services that they use, rather than are reasonably well informed and reasonably observant and circumspect and that providers do not appreciate the value of providing relevant information to customers.

This is simply not borne out by Ofcom's research: 82% of customers investigate roaming charges before travelling, and of the 18% that do not, 14% rely on a notification. There is large scale awareness of the measures that are already in place: 93% of customers are aware of roaming alerts, rating a notification as essential or helpful.<sup>3</sup> All evidence suggests that, after over 30 years of international roaming, this is a service that is working well.

Regulation must be appropriate and proportionate and should be related to the outcome sought. While it is true that certain protections fell away at the end of June 2022, we are not aware of research or evidence -

1. that customers do not have access to the information that they require;
2. that the risk of not regulating is credible and real, i.e., that providers have abandoned the measures introduced under those protections, or that there is a risk of this happening; or
3. to justify any necessary costs to providers that these measures might require.

Not only is relevant information important to customers, but it is also fundamentally in the interests of providers to ensure that customers have access to the information that they require to protect themselves from potential harm while roaming. We believe in empowering customers to manage their services when travelling and, as Ofcom's research shows, 72% of customers use this information to do so.<sup>4</sup>

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<sup>1</sup> See para 4.20, 4.21, 4.93, 4.94 of the Consultation. Given that this information was gathered from a statutory information request to the eleven providers with the largest number of mobile customers, it follows that if most providers provide this information, then most of the major providers do so. (Para 3.1 FN41, 42).

<sup>2</sup> <https://www.ofcom.gov.uk/consultations-and-statements/category-1/mobile-roaming-customer-protections>

<sup>3</sup> Para 3.6-3.7 and 4.37 of the Consultation.

<sup>4</sup> Para 3.12 of the Consultation.

**Although we dispute that regulation of this scale is necessary, proportionate or reasonable, we are prepared to accept most of the proposed requirements in GC3.15 and 3.17.**

Although we believe that the evidence base for imposing formal regulation is weak, given that we already do the large majority of what Ofcom is suggesting (and have no intention of resiling) we only have substantive concerns about GC3.15d.

We agree with the requirements in proposed GC3.15(a), (b), (c), (e), GC3.16, and GC3.17, i.e.:

1. Send a notification to customers without undue delay when their device connects to a roaming network.
2. Information in a notification should be clear, comprehensible, and accurate.
3. A notification that is free of charge and in an easily accessible format.
4. A notification that tells customers -
  - a. That they have connected to a roaming network;
  - b. The extent of roaming services that they can use on the roaming network as part of their tariff plan;
  - c. what charges apply for using roaming services, either under their tariff plan or on a per Mb/SMS/call basis;
  - d. what roaming services can be used before charges are incurred or different charges apply and any relevant time periods;
  - e. where to get information on charges for roaming, fair use policies, what they can do to manage their roaming spend, and how to manage billing limits.
5. Allow customers to opt out and back in to receiving roaming notifications.
6. Provide clear, comprehensible and accurate information on how to avoid inadvertent roaming.
7. Adopt, and provide information to customers on, measures to reduce roaming expenditure while in the UK.

**We believe GC3.15(d) is disproportionate and that there are less onerous ways to prevent harm.**

The introduction of information on personalised bill limits within the notifications would require extensive development work that would demand significant budget and resource and would jeopardise the delivery of significant other regulatory interventions we and other providers are currently implementing, along with the ongoing development work that we undertake to innovate and improve our products, services and customer experience.

It is not clear from Ofcom's research what harm including personalised bill limit information in the notification will address, that could not be addressed by providing information about the default spending limit and how to manage spend along with relevant links enabling customers to do so. The research does not indicate that customers are unknowingly reaching the default data limit in high numbers, and suffering harm. Indeed, Ofcom notes:

*“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>5</sup>*

Although Ofcom points out various gaps in knowledge among customers,<sup>6</sup> there is no suggestion that these would be addressed by the inclusion of personalised bill limits rather than the provision of the information listed, or that these ‘gaps’ are detrimental to customers.

We offer the Roaming Passport Plus tariff plan at £2 per day to certain countries which allows customers to use data, calls, and texts as if they were in the UK. Customers who roam to other countries (“non-RPP countries”) face higher charges, but the figures that Ofcom relies on in its research are simply not representative of what our customers spend, nor does it indicate how many customers are confronted with these sorts of bills.

Ofcom’s research indicates:

*“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>7</sup>*

This evidence is misleading and does not justify action. Ofcom’s research shows that 72% of customers who read roaming notifications adjust their behaviour.<sup>8</sup> It therefore follows that customers who are notified of costs in countries such as Saudi Arabia would likely modify their usage to avoid high bills. Indeed, Ofcom’s research indicates that most customers would avoid these sorts of charges because they generally set their mobile bill limits relatively low (average £4.08 across providers) and would need to amend this to roam.<sup>9</sup>

We agree that customers should be informed and empowered to manage their spend. We accordingly have various bill limits in place to protect customers. First, we have retained the default £45 data roaming cap. We also enable customers to set an overall spend limit on each SIM. This spend limit overrides any roaming cap, so if a customer sets their SIM spend limit at £10, they will not be able to incur total costs above £10, despite the £45 cap on data roaming.

We propose that a reasonable solution would be wording in a notification about spending caps and bill limits along the following lines:

*To avoid data roaming charges, please connect to WiFi to check, set, and amend your monthly spend limits. Your roaming data spend cap is £45 per month by default unless you change it [[link to roaming spend cap](#)]. This does not cover roaming calls and texts which are charged separately. You can check and amend your total monthly spend cap at [[insert link](#)].*

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<sup>5</sup> Para 3.19 of the Consultation.

<sup>6</sup> Para 3.20 of the Consultation.

<sup>7</sup> Para 3.17 of the Consultation.

<sup>8</sup> Para 3.12 of the Consultation.

<sup>9</sup> Para 4.64 of the Consultation.

This proposed wording directly addresses Ofcom's point that having information on mobile bill limits "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"<sup>10</sup>.

Over the past 12 months, ██████ Sky Mobile customers (or ██████% of our customer base) have incurred spend on roaming, including those who have use the Roaming Passport Plus tariff plan. ██████ customers (█████% of our customer base) have roamed to non-RPP countries and incurred roaming spend. Of these ██████ roaming customers, only ██████ (approx. ██████%, or ██████% of our total customer base) spent over £█████ in a single trip on calls and texts, and their data cap was set at £45. On average, the spend per trip for these customers on calls and texts was £█████.

The difference between Ofcom's proposal and Sky's would only affect those of our customers who incorrectly thought that they had a spend cap in place and therefore decided not to check via the link in the roaming notification (and spent more than they expected). We suggest that this is likely to be a tiny subset of the above ██████ customers, and certainly insufficient to justify the more intrusive option promoted by Ofcom.

We note that the proposed guidance acknowledges that section 124S of the Communications Act 2003 requires providers to notify customers in reasonable time, and so far as practicable, when their mobile limit is likely to be reached before the end of the billing period. There is a point that we would like to flag for Ofcom's attention as regards providers' ability to manage spend limits. For technical reasons including CAMEL capability, some countries' networks are unable to provide real time information on usage. Providers across industry accordingly face a challenge in controlling usage within spend caps in real time, and some customers could ultimately spend over their bill limits due to this delay. We emphasise that none of the interventions set out in the Consultation will address this, but it must be borne in mind when enforcing these requirements.

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<sup>10</sup> Para 4.64 of the Consultation.

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## 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?

Subject to our earlier comments on whether regulation of this nature is appropriate and proportionate, we will continue to have in place and publish measures to enable customers to reduce and/or limit expenditure related to inadvertent roaming while in the UK and to provide information on how to avoid inadvertent roaming both in and outside of the UK.

We have put in place various measures to ensure that inadvertent roaming is avoided. Should there be instances where inadvertent roaming does occur, we engage with our customers to establish the cause, and take appropriate action where needed.

Our notifications to customers inform them that, to avoid charges, they must turn data roaming off in the phone settings and avoid making calls or texting.


In border areas or areas where inadvertent roaming is likely, we protect customers from charges. To that end, customers can use data, calls and texts as they would in the UK when they connect to networks in Guernsey, Jersey, Isle of Man or Ascension Island. International charges apply to destinations outside the UK, the Channel Islands and Isle of Man. When customers connect to networks in the Republic of Ireland, they can use their data, calls and texts as they would in the UK, i.e., no additional roaming charges apply.

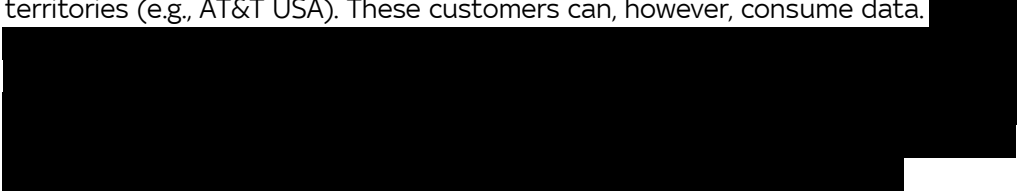
Information on these measures is available to customers via various touchpoints, including the Help & Support section of our website, Community forums and through advisor support. from our customer advisors.

### 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?

Should Ofcom issue the proposed new Rules and Guidance, 6 months is an unrealistic implementation period in which to: (i) validate all requirements and assess the impact on all customer notification points, and (ii) configure, build and test everything needed in order to go live. Sky believes that 12 months would be a reasonable period for implementation given the significant other regulatory interventions providers are implementing at the same time, alongside our existing and ongoing activities.

Ofcom proposes that notifications be sent “without undue delay”. We agree that it is in the interests of customers that they are notified as soon as possible. However, there are instances where notifications cannot be sent or will be delayed.

At present, across the industry, notifications cannot be sent to customers with 4G devices that do not have VoLTE capability when they are roaming in VoLTE only territories (e.g., AT&T USA). These customers can, however, consume data. 



Sky

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