



ORANGE – Observations on the draft BEREC Roaming Guidelines

Retail Roaming Guidelines (BoR (26) 37) and Wholesale Roaming Guidelines (BoR (26) 38)
Public Consultations

April 17, 2026

Orange submits these joint observations on the draft BEREC Retail Roaming Guidelines (BoR (26) 37)¹ and the draft BEREC Wholesale Roaming Guidelines (BoR (26) 38)², both launched for public consultation on 17 March 2026. Orange draws BEREC's attention to the fact that both revised guidelines are essentially limited to a terminological adaptation - replacing "Union" with "RLAH area" and "Member State" with "home country", without addressing the economic implications of extending RLAH to non-EEA third countries or revisiting any of the extensive (transparency) requirements to reduce operational burdens.

Orange considers this approach insufficient in the current context and calls on BEREC to supplement the present guidelines on the points developed below. Furthermore, Orange wishes to emphasize that the extension of RLAH to Ukraine and Moldova was justified by specific and exceptional geopolitical circumstances. It must not be interpreted as establishing a general precedent for further geographical expansion of the RLAH area. RLAH should remain a benefit from joining the European Union.

These observations follow a consistent overarching position: the incremental costs that RLAH extension to non-EEA countries imposes on EU27 host operators are real, material, and currently unaccounted for in either the regulatory framework or wholesale cost models. They further weaken the already fragile economic equilibrium of the EU mobile industry. Any further extension of the RLAH area, in particular to the Western Balkans (WB6), must be conditioned on an independent quantification of these net economic impacts.

1. RLAH extension and the EU mobile industry's cost structure: Observations to the Introduction of both retail and wholesale roaming guidelines. (BoR (26) 37 and BoR (26) 38)

Orange has welcomed and still supports the extension of RLAH to Ukraine and Moldova considering the Russian war aggression against Ukraine. However, the 2026 revision of both Retail and Wholesale BEREC guidelines proceeds from the assumption that integrating Ukraine and Moldova into the RLAH area is a straightforward geographical extension of existing rules. Orange does not agree with such a simple characterization. Extending RLAH zone to non-EEA third countries is not a geographical adjustment, it brings structural changes to the economics of mobile service provision in the EU. The asymmetric nature of traffic flows from third-country RLAH partners must then be squarely addressed.

Traffic flows between EEA operators are broadly balanced on a portfolio basis, meaning that mobile operators in France, Germany or Spain which are hosting large volumes of inbound roamers also generate outbound roaming traffic to their partners' networks, achieving an overall dynamic equilibrium. This symmetric logic underpins both the concept of RLAH and the calibration of wholesale cost models.

¹ [BEREC Retail roaming guidelines](#)

² [BEREC Wholesale roaming guidelines](#)

The integration of Ukraine introduces a structurally dissimilar situation. A significant number of Ukrainian nationals reside in EU Member States, (in particular in Germany, France, Poland and the Czech Republic) under the Temporary Protection Directive (Directive 2001/55/EC)³. These individuals are carrying Ukrainian SIMs and, as of 1 January 2026, their extensive and sustained mobile usage on EU host networks qualifies as RLAH. The implications of this roaming usage in such context are the following:

- **Significant inbound traffic volumes** on EU host operators' networks, generated by Ukrainian SIM cards on a sustained, non-transient basis rather than as regular periodic travel.
- **Regulated, capped wholesale revenues as sole compensation** (currently at €1.10/GB for data, that will further decline according to the regulatory glide path), and put EU host operators' costs under pressure from structural traffic imbalance.
- **Zero or near-zero offsetting outbound flows:** EU operators generate very low traffic towards Ukraine given the current war and the *de facto* EU residence of the Ukrainian population concerned.

As a result, any sound and accurate assessment of wholesale costs incurred for hosting non-EEA roamers must account for such imbalanced extra-EEA traffic flows. For this reason, Orange calls BEREC to:

1. **Explicitly acknowledge** in its guidelines the structural asymmetry arising from RLAH extension to third countries with significant diaspora populations in EU Member States.
2. **Include a recommendation** to NRAs to closely monitor and report on traffic asymmetry between EU host operators and non-EEA RLAH partners, as part of data collection exercise of Q2 2026⁴.

2. The monitoring of FUP in the context of longer-term usage of roaming services: Observations on Section D (Fair Use Policy) of BoR (26) 37 (Retail Roaming Guidelines)

The Fair Use Policy (FUP) is the mechanism designed to prevent anomalous or abusive service usage, specifically the use of roaming services as a substitute for domestic services by people who do not genuinely reside in the country where their mobile subscription has been registered (Guideline 19 of BoR (22) 174⁵ and Article 5 of Regulation (EU) 2022/612)⁶. The 2026 revision updates the FUP definition of the "*RLAH area*" and the concept of "*normal residence and stable links*" by replacing references to "*Member State*" with "*home country*". However, the revision does not address the specific challenge raised by the integration of non-EEA third countries: for Ukrainian nationals under Temporary Protection in the EU, the standard FUP detection criteria are structurally inapplicable due to the geopolitical situation.

Indeed, under the standard FUP methodology, the domestic operator may apply a roaming surcharge as soon as a mobile subscriber is using more roaming services than domestic services over a four-month rolling period, indicating that the subscriber's genuine residence is not in the country of its mobile subscription. However, in the case of Ukrainian subscribers who are living in the EU:

- Their "*home country*" under the RLAH framework is Ukraine (where their SIM was issued).
- Their stable and long-term residence is located in the EU making them, in substance, permanent residents consuming domestic services at domestic Ukrainian prices on an EU host network.

The FUP was designed for periodic travelers, not for a population of several million people who have relocated to the EU and are using EU networks as their primary domestic networks, while their subscription

³ [Directive 2001/55/EC](#)

⁴ [BEREC data collection](#)

⁵ [BEREC Guidelines BoR \(22\) 174 Retail Roaming Guidelines](#)

⁶ [Regulation \(EU\) 2022/612](#)

anchor remains in a third-country RLAH partner. Furthermore, the lack of RLAH reciprocity between Ukraine and Moldova (which is acknowledged in the guidelines) and between UA/MD and EEA-EFTA countries means that the FUP assessment of "normal residence" will produce inconsistent outcomes depending on where a Ukrainian subscriber actually travels within the enlarged RLAH area.

Orange therefore calls on BEREC to:

1. **Explicitly acknowledge**, in the Retail Roaming Guidelines, that the standard FUP detection methodology based on a "*domestic vs. roaming*" consumption ratio is structurally inadequate for third-country RLAH subscribers residing long-term in EU Member States.
2. **Issue specific guidance** to NRAs and operators on how to assess "*normal residence and stable links*" for nationals of third-country RLAH partners who are residing in the EU under Temporary Protection or equivalent status, while ensuring protection of their rights as roaming customers.

3. Cost overrun from the rise of technical implementation complexity: Observations on the Introduction and Guideline 1 of BoR (26) 38 (Wholesale Roaming Guidelines)

The extension of the RLAH area to Ukraine and Moldova, and potentially to the WB6 partners, immediately increases the complexity and the related cost of technical implementation for EU host operators. These costs are entirely outside the costing scope of current wholesale cost models, yet they are real and material. Before January 2026, the RLAH zone was homogeneous and fully reciprocal: all 27 EU Member States plus the three EEA-EFTA countries (Iceland, Liechtenstein, Norway) were fully interoperable under a single set of rules. Every origin-destination pair within this zone was symmetrically subject to RLAH. As of January 2026, Ukraine and Moldova integration ends full reciprocity and creates a non-symmetric origin-destination matrix:

Origin (SIM country)	Destination	RLAH applicable?
EU Member State	Ukraine	Yes
EU Member State	Moldova	Yes
Ukraine	EU Member State	Yes
Moldova	EU Member State	Yes
Ukraine	Moldova	No
Moldova	Ukraine	No
EEA-EFTA (NO/IS/LI)	Ukraine	No
EEA-EFTA (NO/IS/LI)	Moldova	No
Ukraine	EEA-EFTA	No
Moldova	EEA-EFTA	No

This immediately translates **into new IT compliance costs at multiple levels**, which need to be accounted for in the cost modelling aimed at setting roaming wholesale caps:

- **Rating and billing systems:** each additional non-symmetric origin-destination case requires a specific parameterization rule in the operator's rating engine. The multiplication of such cases exponentially increases the maintenance burden of tariffication systems.

- **Customer management and transparency obligations:** operators must inform subscribers of the use cases that are not covered by RLAH (e.g., a Ukrainian SIM holder roaming in Norway will be incurring surcharges despite being located within the "enlarged RLAH area"), generating customer confusion, complaint handling costs, and reputational risk.
- **Wholesale contract management:** the existing bilateral roaming agreements were drafted under assumption of full EEA reciprocity and must therefore be reviewed and renegotiated so that these agreements can adequately reflect the new partial RLAH obligations.
- **Fraud detection systems:** as discussed in Section 2, the blurring of domestic and roaming patterns of usage requires system-level changes to fraud and anomalous usage detection tools.

A further extension to WB6 would create six new RLAH zones (one per Western Balkan partner), producing a total of nine distinct RLAH zones lacking full reciprocity in bilateral legal relationships between all pairs. The combinatorial complexity of managing such a multi-zone would represent a systemic IT compliance burden, the costs of which should be accounted for in the assessment of wholesale costs of EU operators.

Orange therefore asks BEREC to:

1. **Explicitly acknowledge** in GL 1 (Entry into force) of BoR (26) 38 that entry into force of each RLAH area extension creates specific IT and operational compliance obligations for all EU host operators.
2. **Commit** to conducting a comprehensive economic impact assessment, including IT compliance costs, before any decision is taken on a further extension of the RLAH area, notably to the WB6.

4. Warning on unsustainable RLAH enlargement to WB6: need for a comprehensive impact assessment: cross-cutting observations on both BoR (26) 37 and BoR (26) 38, and on future RLAH policy

The European Commission proposed on 24 February 2026 to open negotiations to extend the RLAH area to the six Western Balkans partners (Albania, Bosnia-Herzegovina, Kosovo, North Macedonia, Montenegro, Serbia). The BEREC plenary noted that the guidelines would require updating with each such extension. Before doing so, Orange calls for policy makers to develop a proper and comprehensive impact assessment on the cumulative and systemic implications of successive RLAH extensions to non-EEA third countries. The WB6 extension risks further damaging the fragile economic equilibrium of the EU mobile industry for the following reasons:

- **Availability of an effective and proportionate alternative:** since 2022, EU and WB6 operators have implemented a voluntary roaming framework which already delivered tangible consumer benefits, including significantly lower prices.
- **Enlarged Scale:** Western Balkans collectively represent approximately 17-18 million inhabitants with significant diaspora communities in EU Member States (Germany, Austria, France, Sweden, Italy).
- **Structural complexity:** a WB6 extension would create six additional RLAH zones, bringing the total to nine distinct RLAH zones (EU-UA, EU-MD, EU-Albania, EU-Bosnia, EU-Kosovo, EU-North Macedonia, EU-Montenegro, EU-Serbia,). None of these zones would be under a full mutual reciprocity legal regime. The combinatorial management burden on EU operators' IT and customer service systems would be proportionally greater than for the UA/MD extension.

Orange calls on BEREC to:

Including in both retail and wholesale guidelines an explicit statement that the successive extension of RLAH to non-EEA third countries must be accompanied by a comprehensive economic impact assessment. Where structural traffic asymmetry is demonstrated, BEREC should suggest appropriate solutions to policy makers.

In the context of the BEREC Work Programmed 2027 a dedicated workstream on the economic sustainability of RLAH extensions to non-EEA countries should be included, addressing the design of possible compensation mechanisms (e.g., differentiated wholesale caps, traffic-balance adjustment payments, EU fund contributions).

5. Complex guidance on transparency requirements without traceable improvements: additional observations on transparency measures (BoR (26) 37) (Retail roaming guidelines)

Orange observes that the proposed revision of the Retail Roaming Guidelines misses the opportunity to bring greater clarity and achieve greater integration with already applicable obligations. Also, they do not account for recent technological developments in information provisioning to retail customers.

The resulting guidance risk failing adaptation to evolving market realities and being less accessible and practicable to operators joining the RLAH area. This is critical at a time when roaming usage is still growing and will peak with the creation of the RLAH area.

Orange calls on BEREC to:

1. **Eliminate ambiguous wording that could hinder regulatory predictability** such as the reference to a requirement of providing 'certain information' to customers roaming within the RLAH area.
2. **Maximize the options for legitimate information provisioning by providers:** The 4th bullet point of Guideline 130 of BoR (26) 37 regarding basic information in automatic messages references solely a 'free-of-charge number' as a mechanism of providing customers with more detailed information. In the light of evolving usages, the guidance should also consider other means of communication (such as applications, chatbots and NIICS) that are free of charge and accessible to the customer.

Conclusion: Orange's requests to BEREC

Orange calls for BEREC to acknowledge:

1. The structural traffic asymmetry created by RLAH extension to third countries and to provide guidance on the sustainability derogation in this context.
2. The need for an economic and operational impact assessment before any further RLAH extension.

Orange remains fully available to BEREC and to the European Commission to participate in dedicated workshops and contribute constructively to the design of a sustainable framework for RLAH enlargement.