



# Disability-inclusive Roaming Regulation

European Disability Forum

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**Recommendations and proposals for amendment**



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## Introduction

### The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

### Executive Summary

We welcome the European Commission’s proposal for the recast Roaming Regulation<sup>1</sup> as an opportunity to strengthen rights of persons with disabilities as consumers of mobile communications services when travelling within the European Union (EU)/European Economic Area (EEA).

We note the strengths of the current legal proposal, specifically:

- Ensuring same quality of mobile services at home and abroad;
- Ensuring seamless and free of charge access to emergency services through voice calls and other means (e.g. SMS, emergency application), including for persons with disabilities

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<sup>1</sup> [Proposal for a Regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union \(recast\) COM/2021/85 final](#)

- Preventing unexpectedly high costs and bills, namely when accessing value-added services, such as technical helpdesks, customer care of airlines or insurance companies, or even freephone numbers.

However, we propose further improvements to the proposal, to ensure the right of equal access to mobile communications by persons with disabilities when travelling within the EU/EEA. Specifically, we propose to:

- Extend requirements of ensuring seamless and free of charge access to emergency services to crucial non-emergency numbers<sup>2</sup>
- Ensure that all information provided to roaming customers is accessible for persons with disabilities. For example, that the web page giving detailed information about the types of services that may be subject to increased costs is accessible in accordance with requirements of Directive (EU) 2019/882 (European Accessibility Act), the information does not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages, as well as is provided in easy-to-read format.
- Consider implications of this Regulation on equal access to electronic communications by customers with disabilities during enforcement, monitoring and review.

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<sup>2</sup> For example, missing children ('116000') and child helpline ('116111') hotlines, contact numbers for assistance services to passengers with disabilities for rail, air, bus and coach, and waterway transport, including for urban transport, relay services, covid-information lines, suicide prevention and domestic violence victims' support helplines, other important numbers used for medical other crises.

# EDF Recommendations for a disability-inclusive roaming regulation

## Preface

This document summarises our main recommendations, including concrete amendments to the [European Commission's proposal for a new Regulation to ensure EU travellers continue to benefit from free roaming](#).

**As signatories to the [United Nations Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#), the European Union (EU) and all Member States are legally obliged to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. (Article 9 – accessibility).**

The European Union has already adopted two crucial pieces of law to improve rights of persons with disabilities when accessing electronic communications, including mobile communications, namely the [European Electronic Communications Code](#) and the [European Accessibility Act](#).

The recast Roaming Regulation should support these main legal acts by ensuring that persons with disabilities do not face higher cost to mobile communications than other consumers when travelling within the EU/EEA.

See our concrete proposals for amending the text of the European Commission proposal below.

## EDF Proposals for amendments

### Amendments to the European Commission Proposal for recast Roaming Regulation

#### Recital 19

Commission proposal	EDF proposed amendments
<p>In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also required to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users. It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP in the visited Member</p>	<p><b>As Party to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), provisions of the Convention are integral part of the Union legal order and binding upon the Union and its Member States. The UN CRPD requires its Parties to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems. To that end, Directive (EU) 2018/1972 aims to “ensure the provision throughout the Union of good quality, affordable, publicly available services through effective competition and choice, to deal with circumstances in which the needs of end-users, including those with disabilities in order to access the services on an equal basis with others, are not satisfactorily met by the market and to lay down the necessary end-user rights.” (Article 1.2 (b)).</b></p> <p>In accordance with Article 109 of Directive (EU) 2018/1972, all end-users should have access to emergency services, free of charge, through emergency communications to the most appropriate public safety answering point (PSAP). Member States are also</p>

State. Such information should allow the roaming provider to identify and provide the emergency communication and the transmission of caller location free of charge.

required to ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users.

**Importantly, the Code notes that “emergency communications are a means of communication that includes not only voice communications services, but also SMS, messaging, video or other types of communications, for example real time text, total conversation and relay services.” (recital 285, Directive (EU) 2018/1972).**

It is for the Member States to determine the type of emergency communications that are technically feasible to ensure roaming customers access to emergency services. In order to ensure that roaming customers have access to emergency communications under the conditions laid down in Article 109 of Directive (EU) 2018/1972, visited network operators should inform the roaming provider through the wholesale roaming agreement about what type of emergency communications are mandated under national measures in the visited Member State. In addition, wholesale roaming agreements should include information on the technical parameters for ensuring access to emergency services, including for roaming customers with disabilities, as well as for ensuring the transmission of caller location information to the most appropriate PSAP in the visited Member State. Such information should allow the roaming provider to identify and provide the emergency communication

and the transmission of caller location free of charge.

**Justification:**

It is important to remind that the Directive (EU) 2018/1972 (the Code) ensures equal access to all electronic communications, and not only to emergency communications. It is also important to note that the Code foresees equal access to emergency communications not only by voice communications but also other types of communications such as real-time-text, total conversation, and relay services. This is important because not everyone is able to access voice communications. For example, deaf, hard of hearing, deafblind persons rely on non-verbal communication (e.g. sign language which is possible during a video call and which requires network data, real-time text, SMS, etc.). In view of technological developments real-time text and total conversation technologies should/will become mainstream technologies, as voice calls and SMS are today, rather than being seen as 'alternative modes of communication'. So, it is important to consider the implication of roaming charges on all types of communications and ensure that this Regulation is consistent with the aims for the Code.

**Article 13 – Wholesale charges for emergency communications**

Commission proposal	EDF proposed amendments
<p>Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.</p>	<p>Without prejudice to Articles 10, 11 and 12, the visited network operator shall not levy on the roaming provider any charge related to the emergency communications initiated by the roaming customer and the transmission of caller location information.</p> <p><b>Visited network operator shall also not levy on the roaming provider any charge related other non-emergency crucial communications initiated by the roaming customer.</b></p>

**Justification:**

There are other number besides 112 that are of crucial of European citizens, and access to them without additional cost barriers when roaming should be guaranteed. Such numbers include missing children ('116000') and child helpline ('116111') hotlines, contact numbers for assistance services to passengers with disabilities for rail, air, bus and coach, and waterway transport, including for urban transport, accessibility relay services for persons with disabilities, covid-information lines, suicide prevention and domestic violence victims' support helplines, other important numbers used for medical other crises. When communications with such numbers is free of charge for a mobile customer at home, roaming regulation should ensure that this remains as such. Extra costs when roaming to such numbers will otherwise create extra financial burden for citizens and hamper effective urgent

communications. This might also lead to tension with other EU law, for example passenger rights laws which guarantee free of charge assistance to persons with disabilities. If a passenger with disability needs to contact a train service in their home country to request assistance before arrival, an extra roaming cost will mean their right to equal travel and free assistance is infringed. A travelling person might also need to call a domestic violence victims' helpline to help their friend or family member back at home, or check the quarantine rules in their residence country before returning from their trip - so while roaming.

**(New) Article 18 – Accessibility of information provided to customers**

Commission proposal	EDF proposed amendments
N/a	Roaming providers shall ensure that all information referred to in Articles 9, 14, 15, 16, 17, and 18 which is provided to customers, is accessible for persons with disabilities in accordance with requirements of Directive (EU) 2019/882 (European Accessibility Act), the information does not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages, as well as is provided in easy-to-read format.
<p><b>Justification:</b></p> <p>It is important that all customers, including customers with disabilities, are sufficiently informed about their rights and obligations as consumers of roaming mobile services, so all information should be easy to understand and accessible for everyone.</p>	

**Article 18 - Supervision and enforcement**

Commission proposal	EDF proposed amendments
2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, 11, and 12, publicly available in a manner that enables interested parties to have easy access to it.	2. National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 5, 6, 7, 9, 10, 11, <b>and 12, 13, and 18 (new)</b> publicly available in a manner <b>that enables accessible to</b> interested parties <b>to have easy access to it, including to persons with disabilities.</b>
<p><b>Justification:</b></p>	

It is important that national regulatory authorities also monitor implications of roaming on equal access to electronic communications by persons with disabilities, that this information is systematically collected and available in accessible manner, so that organisations of persons with disabilities can engage in monitoring as rights-holders.

### Article 21 - Review

Commission proposal	EDF proposed amendments
<p>The Commission shall, after consulting BEREC, submit two reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029. The reports shall include, inter alia, an assessment of: (n/a)</p>	<p>The Commission shall, after consulting BEREC, submit two reports to the European Parliament and to the Council. Where necessary, after submitting each report, the Commission shall adopt a delegated act pursuant to Article 22 amending the maximum wholesale charges for regulated roaming services laid down in this Regulation. The first such report shall be submitted by 30 June 2025 and the second by 30 June 2029. The reports shall include, inter alia, an assessment of: <b>(I) (new) – effectiveness of this Regulation on ensuring equal access to electronic communications by persons with disabilities when travelling within EU/EEA.</b></p>

**Justification:**

The European Electronic Communications Code sets obligations for providers to ensure equal access to electronic communications, including emergency communications, by persons with disabilities. It is important to monitor and assess the implications roaming costs can have on consumers with disabilities, to make sure that they are not put in less favourable position than other consumers of roaming services and that this Regulation is consistent with the objectives of set by the Code.

## Related Documents

1. [UN Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#)
2. [European Accessibility Act \(Directive \(EU\) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services \(Text with EEA relevance\)\)](#)
3. [EDF recommendations for equal access and choice to electronic communications](#)

4. [EDF toolkit for transposition of the European Electronic Communications Code](#)
5. [Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030](#)
6. [Council of Europe's Common European Framework of Reference for Languages](#)

## Document credits

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