EXPLANATORY MEMORANDUM TO

THE TRADE (MOBILE ROAMING) (AMENDMENT) REGULATIONS 2026

2026 No. 837

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Science, Innovation and Technology (DSIT) and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Baroness Lloyd of Effra, Parliamentary Under-Secretary of State for Digital Economy, at the Department for Science, Innovation and Technology can confirm that this Explanatory Memorandum meets the required standard.

2.2 Paul Gaskell, Deputy Director, International Trade, at the Department for Science, Innovation and Technology can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Richard Sullivan at the Department for Science, Innovation and Technology can be contacted by email at the following address with any queries regarding the instrument: correspondence@dsit.gov.uk. Alternatively, the department can be contacted by telephone: 07712 693 823.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Trade (Mobile Roaming) Regulations 2023 (S.I. 2023/214) (the 2023 Regulations). It gives effect in domestic law to Decision No. 1/2025[1] of the United Kingdom-European Economic Area/European Free Trade Association (EEA/EFTA)[2] Joint Committee (the Decision), by updating the maximum international mobile roaming wholesale charges.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument is England and Wales, Northern Ireland, and Scotland.

4.3 The territorial application of this instrument is the England and Wales, Northern Ireland, and Scotland.

[1] Decision No. 1/2025 is available at https://www.efta.int/sites/default/files/uploads/2026-01/DECISION%20No%201%20-%202025%20OF%20THE%20UK-EEA%20EFTA%20JOINT%20COMMITTEE_0.pdf.

[2] EEA/EFTA is used to cover Iceland, the Principality of Liechtenstein and the Kingdom of Norway. While all three are in EFTA, they operate under a specific arrangement known as 'EEA/EFTA' to distinguish them from Switzerland.

5. Policy Context

What is being done and why?

5.1 Mobile roaming is the temporary use of a mobile device abroad to make calls, send texts or use mobile data on a mobile phone when travelling abroad and using the mobile network of an operator based in that territory.

5.2 In 2021 the UK and EEA/EFTA (Norway, Iceland and Liechtenstein) (together the Parties), signed a Free Trade Agreement (the Agreement) which contained provisions on international mobile roaming. These provisions set a 'wholesale cap' that limited what operators could charge each other for mobile roaming.

5.3 This wholesale cap was to facilitate surcharge-free roaming between the UK and Iceland and Norway (note that the other Party – Liechtenstein – opted out of these provisions).

5.4 The UK introduced the 2023 Regulations to implement the wholesale cap in UK legislation.

5.5 The Agreement contains a review clause, under which the wholesale rate should be reviewed by all affected Parties every two years "with a view to determining whether those rates are still appropriate". The Joint Committee is the vehicle to decide whether rates remain appropriate.

5.6 The rates set under the Agreement have now diverged from 'relevant international benchmarks' that the Agreement states should be considered when determining whether the rates are still appropriate. The relevant international benchmark considered is that set by the EU. The rates should be reflective of current market conditions. The Decision amends the rates in the Agreement so that they remain appropriate.

What was the previous policy, how is this different?

5.7 Currently, the 2023 Regulations set the maximum wholesale rates originally agreed by the Parties and recorded in the Agreement. The Decision amended those rates in the Agreement. This instrument will ensure that UK law is aligned with this change by amending those same rates in the 2023 Regulations.

6. Legislative and Legal Context

How has the law changed?

6.1 Following the conclusion of the Agreement with Norway, Iceland and Liechtenstein, the UK is responsible for implementing the mobile roaming provisions contained within it. This includes giving effect to the maximum wholesale roaming rates set out under Article 3.69 'International Mobile Roaming'. The wholesale roaming provisions apply to the UK, Norway and Iceland only, as Liechtenstein decided not to participate.

6.2 Article 3.69 of the Agreement provides that:

"With a view to facilitating surcharge-free international mobile roaming for end-users of each Party, the maximum rates that a supplier of public telecommunications services of a Party may levy on a supplier of public telecommunications services of another Party for the provision of wholesale international mobile roaming services (IMRS Rates) shall be the IMRS rates specified in Annex XX [...];

The Sub-Committee on Services and Investment (Committee) shall, within a reasonable period of time, make a recommendation to the Joint Committee concerning the adoption, by amending Annex XX, of the IMRS rates the Sub-Committee on Services and Investment considers appropriate".

6.3 In September 2022, the Joint Committee decided that the rates adopted shall be as follows:

- Outgoing voice calls: €0.032 per minute.
- Incoming SMS message: FREE.
- Outgoing SMS message: €0.01 per SMS.
- Data: €2.50 per gigabyte.

These rates were given effect in domestic law by the 2023 Regulations.

6.4 In November 2025, the Joint Committee decided that the rates should be amended as follows:

- Outgoing voice calls: €0.019 per minute.
- Incoming SMS message: FREE.
- Outgoing SMS message: €0.003 per SMS.
- Data: €1.30 per gigabyte, which will decrease to €1 per gigabyte from 1 January 2027.

6.5 These rates align with those currently in force in the EU/EEA as set out in the EU regulations aimed at regulating roaming charges in the EU known as Roam Like at Home (RLAH). This approach is consistent with the Agreement's provision that asserts that the Parties should consider relevant international benchmarks and be reflective of current market conditions, when determining whether the wholesale rates are still appropriate.

6.6 This instrument will amend the wholesale rates set out in the 2023 Regulations to reflect the Decision.

Why was this approach taken to change the law?

6.7 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No public consultation has taken place regarding the provisions in this instrument, as it only updates an existing provision following an amendment to an international agreement (which was within the expected procedure and timeframe as set out in that agreement) and does not change policy.

8. Applicable Guidance

8.1 None.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A de minimis impact assessment ("DMA") was undertaken for the 2023 Regulations. The DMA calculated Net Present Value ("NPV") over a ten-year period. In the most likely scenario, the NPV was calculated as £0. This instrument does not update that DMA, as wholesale rates agreed between UK and Norwegian and UK and Icelandic operators are likely to be already below the proposed caps.

9.2 The rationale for this is as follows:

- Wholesale rates agreed between UK and Norwegian and UK and Icelandic operators must currently be set at or under EU-set rates, as per the 2023 Regulations at its Schedule 'Maximum rates'. Because of this, they are judged likely to be closer to average intra-EEA rates than rates chargeable to rest of world operators.
- The latest BEREC report includes averages for the wholesale rates charged by Norwegian operators and EEA operators on average (which is used as a proxy for Icelandic operators, as these are not specified in the BEREC data).[3]
- The BEREC report indicates that the average wholesale rates charged by Norwegian operators and the average EEA operator to other EEA operators are already below the updated caps for voice calls, SMS and data. (In Q3 2025 they were €0.009, €0.001 and €0.150 respectively for Norway, and €0.013, €0.002 and €0.570 for EEA operators on average, compared to caps of €0.019, €0.003 and €1.000.)
- Assuming the deals agreed between UK and Norwegian and UK and Icelandic operators are broadly reciprocal, this would mean the wholesale rates charged by UK operators are also already under the proposed caps.
- Applying the same methodology from the DMA, it is assumed that operators do not change their rates as a result of the regulation, as they are already below the caps, and there is no impact.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument only applies to mobile network operators.

9.4 The legislation does not impact small or micro businesses.

9.5 There is no, or no significant, impact on the public sector because this instrument only applies to mobile network operators.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is set out in the 2023 Regulations as well as the Agreement.

[3] '32nd BEREC International Roaming Benchmark Data and Monitoring Report', March 2026 https://www.berec.europa.eu/system/files/2026-03/BoR%20%2826%29%2028_32nd%20BEREC%20Report%20on%20IR%20BMK%20Data%20and%20TACR_.pdf. BEREC is the Body of European Regulators of Electronic Communications.

10.2 There is a statutory review clause at Regulation 13 of the 2023 Regulations. It provides that "The Secretary of State must from time to time (a) carry out a review of the regulatory provision contained in these Regulations, and (b) publish a report setting out the conclusions of that review."

10.3 Furthermore, the wholesale roaming rates set out in the Agreement are subject to review every two years as set out in Article 3.69(5) of the Agreement.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Parliamentary Under-Secretary of State for Digital Economy, has made the following statement regarding Human Rights: "In my view the provisions of the Trade (Mobile Roaming) (Amendment) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").