

Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (recast) (Text with EEA relevance)

*Article 16*

**Supervision and enforcement**

1 National regulatory authorities shall monitor and supervise compliance with this Regulation within their territory.

[<sup>F1</sup>National regulatory authorities shall strictly monitor and supervise roaming providers availing themselves of Article 6b, 6c and 6e(3).]

[<sup>F2</sup> National regulatory authorities and, where relevant, BEREC shall make up-to-date information on the application of this Regulation, in particular Articles 6a, 6b, 6c, 6e, 7, 9, and 12, publicly available in a manner that enables interested parties to have easy access to it.]

3 National regulatory authorities shall, in preparation for the review provided for in Article 19, monitor developments in wholesale and retail charges for the provision to roaming customers of voice and data communications services, including SMS and MMS, including in the outermost regions referred to in Article 349 of the Treaty on the Functioning of the European Union. National regulatory authorities shall also be alert to the particular case of inadvertent roaming in the border regions of neighbouring Member States and monitor whether traffic-steering techniques are used to the disadvantage of customers.

National regulatory authorities shall monitor and collect information on inadvertent roaming and take appropriate measures.

4 National regulatory authorities shall have the power to require undertakings subject to obligations under this Regulation to supply all information relevant to the implementation and enforcement of this Regulation. Those undertakings shall provide such information promptly on request and in accordance with time limits and level of detail required by the national regulatory authority.

[<sup>F3</sup>4a Where a national regulatory authority considers information to be confidential in accordance with Union and national rules on business confidentiality, the Commission, BEREC and any other national regulatory authorities concerned shall ensure such confidentiality. Business confidentiality shall not prevent the timely sharing of information between the national regulatory authority, the Commission, BEREC and any other national regulatory authorities concerned for the purposes of reviewing, monitoring and supervising the application of this Regulation.]

5 National regulatory authorities may intervene on their own initiative in order to ensure compliance with this Regulation. In particular, they shall, where necessary, make use of the powers under Article 5 of the Access Directive to ensure adequate access and interconnection in order to guarantee the end-to-end connectivity and interoperability of roaming services, for example where customers are unable to exchange regulated roaming SMS messages with customers of a terrestrial public mobile communications network in another Member State as a result of the absence of an agreement enabling the delivery of those messages.

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 531/2012 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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6 Where a national regulatory authority finds that a breach of the obligations set out in this Regulation has occurred, it shall have the power to require the immediate cessation of such a breach.

#### Textual Amendments

- F1** Inserted by [Regulation \(EU\) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation \(EU\) No 531/2012 on roaming on public mobile communications networks within the Union \(Text with EEA relevance\).](#)
- F2** Substituted by [Regulation \(EU\) 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation \(EU\) No 531/2012 as regards rules for wholesale roaming markets \(Text with EEA relevance\).](#)
- F3** Inserted by [Regulation \(EU\) 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation \(EU\) No 531/2012 as regards rules for wholesale roaming markets \(Text with EEA relevance\).](#)

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#### **Changes and effects yet to be applied to :**

- Regulation revoked by [S.I. 2023/214 reg. 14](#)
- Art. 16 words substituted by [S.I. 2019/587 reg. 3\(21\)](#)
- Art. 16(1) words omitted by [S.I. 2019/587 reg. 3\(16\)\(a\)](#)
- Art. 16(1) words omitted by [S.I. 2019/587 reg. 3\(16\)\(b\)](#)
- Art. 16(2) words omitted by [S.I. 2019/587 reg. 3\(17\)\(a\)](#)
- Art. 16(2) words omitted by [S.I. 2019/587 reg. 3\(17\)\(b\)](#)
- Art. 16(3) word omitted by [S.I. 2019/587 reg. 3\(18\)\(b\)](#)
- Art. 16(3) words omitted by [S.I. 2019/587 reg. 3\(18\)\(a\)](#)
- Art. 16(4a) omitted by [S.I. 2019/587 reg. 3\(19\)](#)
- Art. 16(5) words substituted by [S.I. 2019/587 reg. 3\(20\)\(a\)](#)
- Art. 16(5) words substituted by [S.I. 2019/587 reg. 3\(20\)\(b\)](#)
- Art. 16(5) words substituted by [S.I. 2019/587 reg. 3\(20\)\(c\)](#)

#### **Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 2(2)(c) omitted by [S.I. 2019/587 reg. 3\(5\)\(a\)](#)
- Art. 2(2)(d) words substituted by [S.I. 2019/587 reg. 3\(5\)\(b\)](#)
- Art. 2(2)(d) words substituted by [S.I. 2019/587 reg. 3\(5\)\(c\)](#)
- Art. 2(2)(e) words omitted by [S.I. 2019/587 reg. 3\(5\)\(e\)](#)
- Art. 2(2)(f) words omitted by [S.I. 2019/587 reg. 3\(5\)\(f\)\(iii\)](#)
- Art. 2(2)(f) words substituted by [S.I. 2019/587 reg. 3\(5\)\(f\)\(i\)](#)
- Art. 2(2)(f) words substituted by [S.I. 2019/587 reg. 3\(5\)\(f\)\(ii\)](#)
- Art. 2(2)(g) words substituted by [S.I. 2019/587 reg. 3\(5\)\(g\)](#)
- Art. 2(2)(h) words inserted by [S.I. 2019/587 reg. 3\(5\)\(h\)](#)
- Art. 2(2)(h) words substituted by [S.I. 2019/587 reg. 3\(5\)\(b\)](#)
- Art. 2(2)(k) words inserted by [S.I. 2019/587 reg. 3\(5\)\(h\)](#)
- Art. 2(2)(k) words substituted by [S.I. 2019/587 reg. 3\(5\)\(b\)](#)
- Art. 2(2)(o)-(s) omitted by [S.I. 2019/587 reg. 3\(5\)\(i\)](#)
- Art. 2(2)(da) inserted by [S.I. 2019/587 reg. 3\(5\)\(d\)](#)