Commission Implementing Regulation (EU) 2020/2082 of 14 December 2020 on setting the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2019/2116

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2082

of 14 December 2020

on setting the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2019/2116

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 6e(2) thereof,

Whereas:

(1) Under Regulation (EU) No 531/2012, from 15 June 2017 domestic providers should not levy any surcharge in addition to the domestic retail price on roaming customers in any Member State for any regulated roaming call received, where those calls are within the limits allowed by the fair use policy.

(2) Regulation (EU) No 531/2012 limits any surcharge applied for receiving regulated roaming calls to the weighted average of maximum mobile termination rates across the Union.

(3) Commission Implementing Regulation (EU) 2019/2116[(2)] sets out the weighted average of maximum mobile termination rates across the Union, to be applied in 2020 on the basis of the data values as of 1 July 2019.

(4) The Body of European Regulators for Electronic Communications has provided the Commission with updated information from Member States' national regulatory authorities on the maximum level of mobile termination rates imposed, under Articles 7 and 16 of Directive 2002/21/EC of the European Parliament and of the Council[(3)] and Article 13 of Directive 2002/19/EC of the European Parliament and of the Council[(4)] in each national market for wholesale voice call termination on individual mobile networks and on the total number of subscribers in the Member States.

(5) Under Regulation (EU) No 531/2012, the Commission has calculated the weighted average of the maximum mobile termination rates across the Union by multiplying the maximum mobile termination rate permitted in a given Member State by the total number of subscribers in that Member State, summing that product over all Member States and then dividing the total obtained by the total number of subscribers in all Member States, on the basis of the data values as of 1 July 2020. For Member States whose currency is not the euro, the relevant exchange rate is the average for the second quarter of 2020 obtained from the European Central Bank's database.

(6) It is therefore necessary to update the value of the weighted average of maximum mobile termination rates across the Union.

(7) Implementing Regulation (EU) 2019/2116 should therefore be repealed.

(8) Under Regulation (EU) No 531/2012, the Commission should annually review the weighted average of maximum mobile termination rates across the Union as set by this Implementing Regulation.

(9) The measures provided for in this Regulation are in line with the opinion of the Communications Committee, established by Article 22 of Directive 2002/21/EC,

HAS ADOPTED THIS REGULATION:

Article 1

The weighted average of maximum mobile termination rates across the Union shall be EUR 0,0076 per minute.

Article 2

Implementing Regulation (EU) 2019/2116 is repealed.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 December 2020.

For the Commission

The President

Ursula VON DER LEYEN