

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2228**of 14 December 2021****setting the weighted average of maximum mobile termination rates across the Union and repealing
Implementing Regulation (EU) 2020/2082**

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) Pursuant to Article 6a of 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 calls received, where those calls are within the limits allowed by the fair use policy.
- (2) Regulation (EU) No 531/2012 provides for an authorisation to apply a surcharge, however limits any such surcharge applied for receiving regulated roaming calls, to the weighted average of maximum mobile termination rates across the Union.
- (3) Commission Implementing Regulation (EU) 2020/2082 ⁽²⁾ sets out the weighted average of maximum mobile termination rates across the Union, to be applied in 2021 on the basis of the data values as of 1 July 2020.
- (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, in accordance with Articles 32, 67 and 74 of Directive (EU) 2018/1972 of the European Parliament and of the Council ⁽³⁾ 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) Pursuant to 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 30 June 2021. For Member States whose currency is not the euro, the relevant exchange rate is the average for the second quarter of 2021 obtained from the European Central Bank's database.
- (6) The value of the weighted average of maximum mobile termination rates across the Union therefore needs to be updated.
- (7) Implementing Regulation (EU) 2020/2082 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 accordance with the opinion of the Communications Committee,

⁽¹⁾ OJ L 172, 30.6.2012, p 10.

⁽²⁾ Commission Implementing Regulation (EU) 2020/2082 of 14 December 2020 setting the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2019/2116 (OJ L 423, 15.12.2020, p. 18).

⁽³⁾ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

HAS ADOPTED THIS REGULATION:

Article 1

The weighted average of maximum mobile termination rates across the Union shall be EUR 0,0072 per minute.

Article 2

Implementing Regulation (EU) 2020/2082 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 2022.

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

Done at Brussels, 14 December 2021.

For the Commission
The President
Ursula VON DER LEYEN
