



An Coimisiún um
Rialáil Cumarsáide
Commission for
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INFORMATION NOTICE

Further Information Notice on Maximum Fixed & Mobile Termination Rates (“Eurorates”) – effective from 1 July 2021

Information Notice

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An Coimisiún um Rialáil Cumarsáide
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Additional Information

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1: Background

1. Article 75 of the European Electronic Communications Code¹ (“**the Code**”) requires the European Commission to adopt a Delegated Act setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate by 31 December 2020 (together, the “**Eurorates**”). Article 75(2) and 75(3) of the Code requires the European Commission to review the Delegated Act every five years and on each such occasion to consider whether the imposition of single maximum Union-wide voice termination rates remains necessary. Under Article 75(3), national regulatory authorities (“**NRA(s)**”) such as ComReg are required to closely monitor and ensure compliance with the Eurorates and may, at any time, require a provider of voice termination rates to amend the rate it charges to another undertaking if that rate does not comply with the Eurorates.
2. In accordance with Article 75, on 18 December 2020 the European Commission adopted the Commission Delegated Regulation (EU) 2021/654 supplementing Directive (EU) 201/1972 of the European Parliament and of the Council setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (the “**Delegated Act**”). The Delegated Act was subject to a two-month review period by the European Parliament and the Council, subsequently extended it to 21 April 2021. Following conclusion of that review, the Delegated Act was published in the Official Journal of the European Union on 22 April 2021² and Eurorates will apply from **1 July 2021**.
3. In November 2020, ComReg had issued an Information Notice³ in respect of Fixed Termination Rates and Mobile Termination rates (“**FTRs**” and “**MTRs**” respectively) and indicated that it would issue a further Information Notice setting out the implementation date for the Eurorates, in line with Article 75 of the Code, once known.
4. This current Information Notice follows from the 2020 Information Notice and sets out the timelines for Eurorates that apply to **all** fixed service providers (“**FSP(s)**”) and mobile service providers (“**MSP(s)**”) respectively. In addition, this Information Notice sets out how the Delegated Act will affect existing ComReg decisions which have

¹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJEU [2018] L321/36, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972&from=EN>

² [EUR-Lex - 32021R0654 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0654&from=EN)

³ See ComReg Document 20/103 ‘Information Notice on Fixed Termination Rates & Mobile Termination Rates in advance of implementation of Eurorates’ (“**2020 Information Notice**”), available at <https://www.comreg.ie/publication/information-notice-on-fixed-termination-rates-and-mobile-termination-rates-in-advance-of-implementation-of-eurorates-2>

imposed obligations on FSPs and MSPs designated with significant market power (“**SMP**”), together known as the “**ComReg Termination Markets Decision Documents**”, namely:

- a) ComReg Decision D10/19, Market Review - Fixed Voice Call Termination and Mobile Voice Call Termination, ComReg Document 19/47⁴ (the “**2019 Termination Markets Decision**”),
- b) ComReg Decision D11/19, Price Control Obligations for Fixed and Mobile Call Termination Rates, ComReg Document 19/48⁵ (the “**2019 Pricing Decision**”), and
- c) ComReg Decision D09/20, Further Review concerning 0818 Numbers and Additional Fixed Service Providers, ComReg Document 20/95⁶ (the “**0818 2020 Further Review**”).

⁴ ComReg document 19/47, Decision D10/19 ‘Market Review - Fixed Voice Call Termination and Mobile Voice Call Termination’ <https://www.comreg.ie/media/2019/05/Comreg1947-1.pdf>

⁵ ComReg document 19/48, Decision D11/19 ‘Price Control Obligations for Fixed and Mobile Call Termination Rates’ [Price Control Obligations for Fixed and Mobile Call Termination Rates | Commission for Communications Regulation \(comreg.ie\)](#)

⁶ ComReg document 20/95, ComReg Decision D09/20 ‘Market Review and Decision Fixed Voice Call Termination Markets Further Review concerning 0818 Numbers and Additional Fixed Service Providers’ - <https://www.comreg.ie/publication/market-review-and-decision-fixed-voice-call-termination-markets-further-review-concerning-0818-numbers-and-additional-fixed-service-providers>

2: The Delegated Act and ComReg's Call Termination Markets Decisions

2.1 Impacted services

5. Article 6 of the Delegated Act provides that the Delegated Act shall apply from **1 July 2021** and it *"shall be binding in its entirety and directly applicable in all Member States"*. This means that **the Eurorates are effective from the 1 July 2021**. As a result, certain SMP obligations imposed on SMP FSPs and SMP MSPs by the ComReg Termination Markets Decision Documents noted at paragraph 4 above will no longer be applicable. This section sets out in detail the specific SMP obligations that are affected by the Delegated Act and therefore will no longer apply from 1 July 2021. Tables 3 and 4 in Annex 1 below summarise the impact on current SMP obligations from 1 July 2021 for SMP FSPs and SMP MSPs respectively.

6. The 2019 Termination Markets Decision outlined that the Relevant Fixed Voice Call Termination ("**FVCT**") Markets include the provision of FVCT services to geographic numbers, 076 numbers and emergency numbers (i.e. 112/999). It also outlined that the Relevant Mobile Voice Call Termination ("**MVCT**") Markets include the provision of MVCT services to all mobile numbers – as defined in the Numbering Conditions of Use.⁷ In 2020, the 0818 2020 Further Review included 0818 numbers in the Relevant FVCT Markets. Therefore, termination to the following numbers fall within the scope of the Delegated Act:
 - Geographic Numbers;
 - 076 Numbers;
 - Emergency Numbers;
 - Mobile Numbers; and
 - 0818 Numbers.

7. This section sets out details of the existing obligations on SMP FSPs providing FVCT and SMP MSPs providing MVCT (together "**SMP Termination Providers**") as set out in the ComReg Termination Markets Decision Documents that are affected by the requirements of the Delegated Act from its effective date of 1 July 2021. Any other FSPs and MSPs that are providing or will provide termination services, although not subject to ComReg's Termination Markets Decision

⁷ <https://www.comreg.ie/publication/numbering-conditions-of-use-and-application-process-document>

Documents, are subject to the requirements of the Delegated Act (specifically with regard to Articles 1, 4, 5 and 6 discussed below).

2.2 Termination Rates

8. The 2019 Pricing Decision sets out the maximum FTRs and MTRs⁸ respectively that applied from 2019. Effective from 1 July 2021, they are replaced with the maximum Eurorates set out in Articles 4 and 5 of the Delegated Act.
9. Article 4 of the Delegated Act provides for a single maximum Union-wide⁹ MTR of 0.20 euro cent per minute (charged on a per second basis) from 2024 onwards. In the intervening period, the Delegated Act sets out a three-year glide path (2021, 2022 and 2023). During this period, Member States may apply different rates. The 2019 Pricing Decision sets a lower MTR than the maximum Eurorate MTR for 2021 and 2022. The Delegated Act provides that the MTR in Ireland for such years should be maintained at its current level i.e. 0.43 euro cent per minute. New rates under the Eurorates glide path will apply from 2023, with the maximum Eurorate MTR set at 0.40 euro cent per minute in 2023 and falling to 0.20 euro cent per minute in 2024 – See Table 1 below.

Table 1 Maximum Mobile Termination Rates for Ireland (2021 - 2024)

Mobile – all rates in euro cent per minute	2021	2022	2023	2024
Existing Ireland Maximum MTR (D11/19)	0.43			
Ireland Maximum MTR - Eurorate ¹⁰	0.43	0.43	0.40	0.20

10. Article 5 of the Delegated Act sets out a single maximum Union-wide FTR of 0.07 euro cent per minute (charged on a per second basis) which will be effective in Ireland from 1 July 2021 and will replace the current one-part maximum rate (of 0.051 euro cent per minute) and the two-part rate maximum rate (of 0.03 euro cent per minute and 0.062 euro cent per call) – see Table 2 below. The Delegated Act does not allow two-part charge FTRs.

⁸ See ComReg Document 19/48, Annex 1: FVCT Decisions Instruments, paragraph 4.2 to 4.4 and Annex 2: MVCT Decision Instrument, paragraph 4.2 to 4.3.

⁹ The Delegated Act will apply to the EEA countries after its incorporation into the EEA Agreement. As Iceland, Norway and Liechtenstein are in the EEA, they will be also be subject to the Delegated Act.

¹⁰ Effective from 1 July 2021.

Table 2 Maximum Fixed Termination Rates for Ireland (2021 - 2024)

Fixed – all rates in euro cent per minute	2021	2022	2023	2024
Existing Ireland Maximum FTR (D11/19)	0.051			
Ireland Maximum FTR - Eurorate ¹⁰	0.07	0.07	0.07	0.07

11. Section 4.6 of the FVCT Decision Instrument and Section 4.5 of the MVCT Decision Instrument in the 2019 Pricing Decision provide for the possibility that ComReg may review, and if necessary, due to circumstances that ComReg considers exceptional, amend, respectively, maximum FTRs and MTRs. ComReg notes, for the avoidance of doubt, that any action that ComReg may be called on to take in respect of maximum FTRs and MTRs will now be on the basis of the Delegated Act and as permitted by the Delegated Act.

2.3 Existing Cost Orientation Obligation

12. The Delegated Act sets the single maximum Eurorates based on the efficient cost of terminating a voice call of a hypothetical fixed or mobile network operator within the European Union (in accordance with the principles set out in Article 75(1) and Annex II of the Code¹¹) based on two cost models using data from Member States.
13. Under the Delegated Act, NRAs may, at any time, require a provider of voice termination services to amend the rate it charges to other undertakings if that rate does not comply with the Delegated Act
14. The 2019 Termination Market Decisions imposed a cost orientation obligation¹² on each SMP FSP and SMP MSP as regards FTRs and MTRs respectively¹³, with each SMP Termination Service Provider being required under that decision to verify compliance with cost orientation to ComReg. As FTRs and MTRs are now set by the Delegated Act, rather than the 2019 Termination Market Decision and the 2019 Pricing Decision, the obligation of cost orientation and the requirement on SMP Termination Providers to verify that their FTRs or MTRs comply with the cost orientation obligation will no longer apply.

¹¹ <https://eur-lex.europa.eu/eli/dir/2018/1972/oj>

¹² See ComReg Document 19/47 Decision D10/19 Annex 16: FVCT Decision Instrument paragraph 12.1 and 12.2 and Annex 17: MVCT Decision Instrument paragraph 12.1 and 12.2.

¹³ Including the 3 additional Fixed Service Providers identified in ComReg Decision D09/20.

2.4 Calls originated outside the EEA and Roaming

15. The 2019 Termination Market Decisions allowed Irish SMP FSPs¹⁴ and SMP MSPs¹⁵ the flexibility to raise their Termination Rates in response to any unreasonably high Termination Rates set by Non-EEA Service Providers (as set out in paragraph 12.3 in Annex 16 and 17 for FVCT and MVCT respectively).
16. This reciprocal arrangement (for FSPs and MSPs) for calls which originate from third country numbers is set aside, and replaced, by the provision of the Delegated Act, namely, Article 1(4), which states that:

“Articles 4 and 5 shall also apply to calls originated from third country-numbers and terminated to Union-numbers where one of the two following conditions is met:

(a) where a provider of voice termination services in a third country applies to calls originated from Union-numbers, mobile or fixed voice termination rates equal or lower than the maximum termination rates set out in Articles 4 or 5 respectively for mobile or fixed termination, for each year and each Member State, on the basis of rates applied or proposed by providers of voice termination services in third countries to providers of voice termination services in the Union; or

(b) when:

(a) the Commission determines that, on the basis of information provided by a third country, voice termination rates for calls originated from Union numbers and terminated to numbers of that third country are regulated in accordance with principles equivalent to those set out in Article 75 of Directive (EU) 2018/1972 and Annex III thereto; and

(b) that third country is listed in the Annex to this Regulation.”

17. In circumstances where the conditions set out above are not met (and a third country charges termination rates above the Euro rates), EEA operators are free to negotiate termination rates on a commercial basis.
18. As regards the treatment of calls originated by EEA and non-EEA subscribers while roaming outside and inside the EEA, the originating number will determine which provision of the Delegated Act is relevant, i.e.:

¹⁴ See ComReg Document 19/47 Decision D10/19 paragraph 8.169 to 8.193 for FSP's.

¹⁵ See ComReg Document 19/47 Decision D10/19 paragraph 8.310 to 8.334 for MSP's.

- a) Article 4 or 5 of the Delegated Act (as appropriate) will govern the termination rate applicable in the case of an EEA subscriber roaming in the EEA;
- b) Article 4 or 5 of the Delegated Act (as appropriate) will govern the termination rate applicable in the case of an EEA subscriber roaming in the non- EEA;
- c) Article 1(4) of the Delegated Act will govern the termination rate applicable in the case of a non-EEA subscriber roaming in the EEA (as set out at paragraph 16 above).

3: Next Steps required of Termination Service Providers

19. The Tables in Annex 1 summarise the obligations on SMP Termination Service Providers as per **ComReg Termination Markets Decision Documents** and the Delegated Act.
20. In summary, regardless of their SMP status, all MSPs and FSPs providing termination services to the number ranges recalled at paragraph 2.1 above are required to comply with the requirements of the Delegated Act from 1 July 2021.
21. Insofar as SMP Termination Service Providers are concerned, the following apply:
 - On the basis that the current maximum MTR under the 2019 Pricing Decision is the same as the maximum Eurorate MTR effective for the period 1 July 2021 – 1 January 2023 (i.e. 0.43 euro cent per minute), and the current maximum FTR under the 2019 Pricing Decision is lower than the maximum Eurorate FTR, **no adjustment to their rate is required of SMP Termination Service Providers** in Ireland as a result of the Delegated Act, with the exception of potential changes to the rate structure of FTRs.
 - In particular, as the Delegated Act does not allow two-part charging for FTRs, SMP FSPs who currently charge termination rates on this basis are therefore required to amend their rates to a one-part charge to apply from 1 July 2021.
 - Changes to rates in compliance with the applicable Eurorates (e.g., decrease of MTRs, increase or decrease of FTRs) are permitted.
 - **Prior notification to Other Operators** with which the SMP Termination Service Providers have a contract in respect of Access and **advance publication on their websites** continue to be required at least 30 days in advance of any SMP Termination Service Providers who propose to amend their rates, setting out their existing rates, the proposed rates and their effective date. **Written Notice must also be given to ComReg** at least 30 days in advance of the date on which any amendment to their rates comes into effect. Changes to rates made for the purpose of the Delegated Act or permitted under the Delegated Act and to be effective from 1 July 2021 must accordingly be notified and published no later than **1 June 2021**.

- SMP Termination Service Providers who amend their rates (including from two-part to one-part charging for FSPs) are also required to **update their RIO** within 90 days of the new rate becoming effective, namely on or before **28 September 2021** for changes to rates effective on 1 July 2021.

1 Annex – Summary of Obligations on Fixed and Mobile SMP Operators effective 1 July 2021

Table 3 : Obligations of Fixed Termination Service Providers (as per D10/19, D11/19 and the Delegated Act with effect from 1 July 2021)

Description of Obligation	Relevant Section(s) of ComReg Instrument(s) & Delegated Act	Note
Implementation date of Fixed Eurorate	Section 4.5 of the 2019 Pricing Decision Instrument (FVCT Decision) Articles 5 & 6 of the Delegated Act	No change in obligation however reference to maximum FTRs will be in the context of the maximum Fixed Eurorate. Maximum Fixed Eurorate will be effective from 1 July 2021 .
Provision of Access to FVCT and Associated Facilities	Section 8 of the 2019 Termination Markets Decision Instrument (FVCT Decision)	No change in obligation
Conditions of Access	Section 9 of the 2019 Termination Markets Decision Instrument (FVCT Decision)	No change in obligation
Provision of Access on a Non-Discriminatory basis	Section 10 of the 2019 Termination Markets Decision Instrument (FVCT Decision) Article 5 of Delegated Act	No change in obligation however reference to FTRs will now be in the context of the maximum Fixed Eurorate.
Publication of RIO. Publication of rates on website Notification of rates to ComReg and other operators	Section 11 of the 2019 Termination Markets Decision Instrument (FVCT Decision) Articles 5 & 6 of the Delegated Act	No change in obligation however the obligation (11.6(iii) of D10/19) to confirm compliance with Section 12 no longer applies following the effective date of the Delegated Act. In addition, all references to FTRs will now be considered to be in the context of the maximum Fixed Eurorate. For changes applicable from 1 July 2021, including FSPs increasing FTRs to the maximum Eurorate FTR, or lowering further their current

		<p>FTRs, and FSPs changing FTRs from a two part charging structure to a one part structure, the following applies:</p> <ul style="list-style-type: none"> - Publication/Update of RIO will become due on/before 28 September 2021 (i.e. within 90 calendar days of the effective date). - Notification to ComReg and Other Undertakings of FTR on or before 1 June 2021 (i.e. 30 days in advance of the implementation date). - Publication on SMP FSP website a notice of intention to amend its FTR on or before 1 June 2021 (including existing and proposed rates and the effective date).
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Table 4 : Obligations of Mobile Termination Service Providers (as per D10/19, D11/19 and the Delegated Act with effect from 1 July 2021)

Description of Obligation	Relevant Section(s) of ComReg Decision Instrument(s) & Delegated Act	Note
Implementation date of Mobile Eurorate	Section 4.4 of the 2019 Pricing Decision Instrument (MVCT Decision) Article 4 & 6 of the Delegated Act	No change in obligation however reference to maximum MTRs will be in the context of the maximum Mobile Eurorate. Maximum Mobile Eurorate will be effective from 1 July 2021 .
Provision of Access to MVCT and Associated Facilities	Section 8 of the 2019 Termination Markets Decision Instrument (MVCT Decision)	No change in obligation.
Conditions of Access	Section 9 of the 2019 Termination Markets Decision Instrument (MVCT Decision)	No change in obligation.
Provision of Access on a Non-Discriminatory basis	Section 10 of 2019 Termination Markets Decision Instrument (MVCT Decision) Article 4 of Delegated Act	No change in obligation however reference to MTRs will be in the context of the maximum Mobile Eurorate.
Publication of RIO Publication of rates on website Notification of rates to ComReg and Other operators	Section 11 of 2019 Termination Markets Decision Instrument (MVCT Decision) Article 4 & 6 of the Delegated Act	No change in obligation however the obligation (11.6(iii) of D10/19) to confirm compliance with Section 12 no longer applies following the effective date of the Delegated Act. In addition, all references to the MTRs will in the context of the maximum Mobile Eurorate. As the maximum Eurorate (to 2023) is the same as the existing maximum MTR (as per ComReg Decision D11/19), SMP MSPs are only required to comply with the following in circumstances where they propose to further reduce their MTR from 1 July 2021: - Publication/Update of RIO will become due on/before 28 September 2021 (i.e. within 90 days of the effective date).

		<ul style="list-style-type: none">- Notification to ComReg and Other Undertakings of MTR on or before 1 June 2021 (30 days in advance of the implementation date). - Publication on SMP MSP website a notice of intention to amend its MTR on or before 1 June 2021 (including existing and proposed rates and the effective date).
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