Background

I. Objective of the public consultation

The proposed consultation seeks views on the review of the Commission Recommendation (2009/396/EC) of 7 May 2009 on the regulatory treatment of fixed and mobile termination rates in the EU, i.e. the Termination Rates Recommendation (TRR). The TRR contains a clause stating that it will be reviewed no later than four years after its date of application.

The objective of the TRR is to increase consistency across EU countries in the way NRAs set termination rates through the use of a specific costing methodology, to be implemented by National Regulatory Authorities (NRAs) by 31 December 2012. The aim of the TRR is to bring termination rates across the EU down to the truly cost-efficient level and reduce discrepancies between fixed and mobile termination charges, thus contributing to the promotion of efficiency and sustainable competition, as well as to the maximisation of consumer benefits, in line with Article 13(2) of Directive 2002/19/EC (Access Directive).

This consultation will be part of an evaluation of the extent to which the TRR has achieved its objectives and whether further action at EU level is necessary to achieve the policy objectives of the regulatory framework for electronic communications networks and services.

II. Scope of the public consultation

The consultation will first seek to evaluate the impact of the TRR on the termination markets and on the EU internal market.

Second, it seeks views on whether the regulatory approach towards Termination Rates (TR) should be maintained and/or amended, also in view of technological developments possibly allowing for less resource intensive regulatory approaches.

The questionnaire of the public consultation contains around 50 questions. The questionnaire has two sections:

- Retrospective (evaluating the impact of the current TRR);
- Forward looking (assessing the need for further action at EU level, potential amendments needed as well as the choice of legal instrument).