

**Question for written answer E-001915/2021
to the Commission**

Rule 138

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Subject: Extension of delegated act on EU termination rates to cover non-EU countries

Earlier this year, the Commission confirmed that it 'cannot establish the same arrangements for communications with third countries as for those within the EU'¹.

It attributed its inability to do so to the fact that calls to non-EU countries do not fall within the scope of EU rules setting limits for the maximum prices for phone calls.

This limitation of scope arises naturally from the fact that these rules are limited to the internal market. It reflects the fact that the legislative framework for electronic communications in the EU is based on the competence to promote the establishment and functioning of such a market.

Nevertheless, the Commission has recently presented a delegated act whose scope of application extends beyond the internal market by including calls originating outside of it².

Considering its previous response, can the Commission clarify the following:

1. How is this extension compatible with Article 114 of the Treaty on the Functioning of the European Union?
2. How does this extension comply with its mandate under Article 75(1) of the European Electronic Communications Code³?
3. What factors influenced the extension?

¹ Answer to question E-003712/2019.

² Article 1(4) of the Commission Delegated Regulation (EU) .../... supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council by setting a single maximum Union-wide mobile voice termination rate and a single maximum Union-wide fixed voice termination rate (C/2020/8703).

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.