

DRAFT STATUTORY INSTRUMENTS

**2019 No. 0000**

**EXITING THE EUROPEAN UNION  
ELECTRONIC COMMUNICATIONS**

The Electronic Communications and Wireless Telegraphy  
(Amendment etc.) (EU Exit) Regulations 2019

*Made* - - - - - **\*\*\***

*Coming into force in accordance with regulation 1*

**THE ELECTRONIC COMMUNICATIONS AND  
WIRELESS TELEGRAPHY (AMENDMENT  
ETC.) (EU EXIT) REGULATIONS 2019**

1. Citation and commencement
  2. Amendments of primary legislation
  3. Amendments of subordinate legislation
  4. Amendments of retained direct EU legislation
  5. Power to alter standards relating to eCall service
- Signature

SCHEDULE 1 — Amendments of primary legislation

PART 1 — Amendments of Communications Act 2003

1. The Communications Act 2003 is amended as follows.
2. In section 3 (general duties of OFCOM), in subsection (4),...
3. (1) Section 4 (duties for the purposes of fulfilling EU...
4. (1) Section 4A (duty to take account of European Commission...
5. In section 5 (directions in respect of networks and spectrum...
6. In section 10 (duty to encourage availability of easily usable...
7. (1) Section 25 (Community requirement to provide information) is amended...
8. (1) Section 33 (advance notification to OFCOM) is amended as...
9. (1) Section 48 (procedure for setting, modifying and revoking conditions)...
10. (1) Section 48A (domestic consultation for section 45 conditions) is...
11. Omit section 48B (EU consultation for section 45 conditions).
12. In section 48C (delivery of copies of notification etc. in...

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13. (1) Section 49 (directions and approvals for the purposes of...
14. (1) Section 49A (domestic consultation for directions, approvals and consents)...
15. Omit section 49B (EU consultation for directions, approvals and consents)....
16. (1) Section 49C (delivery of copies of notifications etc. in...
17. (1) Section 51 (matters to which general conditions may relate)...
18. In section 55 (orders by OFCOM in the absence of...
19. In section 65 (obligations to be secured by universal service...
20. In section 66 (designation of universal service providers), omit subsections...
21. (1) Section 67 (subject-matter of universal service conditions) is amended...
22. (1) Section 77 (imposition of privileged supplier conditions) is amended...
23. (1) Section 78 (circumstances required for the setting of SMP...
24. (1) Section 79 (market power determinations) is amended as follows....
25. (1) Section 80 (proposals for identifying markets and for market...
26. (1) Section 80A (domestic consultation for market identification and market...
27. Omit section 80B (EU consultation for market identifications and market...
28. In section 81 (delivery of copies of notifications under section...
29. Omit section 83 (special rules for transnational markets).
30. In section 84 (review of services market identifications and determinations),...
31. (1) Section 84A (timing of services markets identifications and determinations)...
32. In section 87 (conditions about network access etc.), in subsection...
33. In section 89 (conditions about network access in exceptional cases),...
34. For section 89B substitute— Functional separation conditions: matters to be...
35. (1) Section 105B (requirement to notify OFCOM of security breach)...
36. Omit section 150A (proposals of EU significance).
37. In section 186 (action by OFCOM on dispute reference), in...
38. Omit section 189 (disputes involving other member States).
39. In section 191 (OFCEM’s power to require information in connection...
40. In section 197 (interpretation of Chapter 3), omit subsections (2)...
41. In section 393 (general restrictions on disclosure of information), in...
42. In section 405 (general interpretation), in subsection (1)—
43. In Schedule 18 (transitional provisions), in paragraph 13(5), for “would...  
PART 2 — Amendments of other Acts
44. Telecommunications Act 1984
45. Wireless Telegraphy Act 2006

#### SCHEDULE 2 — Amendments of subordinate legislation

1. Electronic Communications and Wireless Telegraphy Regulations 2011
2. Communications (Access to Infrastructure) Regulations 2016

#### SCHEDULE 3 — Amendments of retained direct EU legislation

1. Regulation (EC) No 1211/2009
2. Commission Delegated Regulation (EU) No 305/2013
3. Regulation (EU) No 283/2014
4. Decision No 585/2014/EU
5. Regulation (EU) 2017/1953

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## Explanatory Note