

2009 No. 1591

ELECTRONIC COMMUNICATIONS

**The Mobile Roaming (European Communities) (Amendment)
Regulations 2009**

<i>Made</i> - - - -	<i>29th June 2009</i>
<i>Laid before Parliament</i>	<i>30th June 2009</i>
<i>Coming into force</i> - -	<i>1st July 2009</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to communications(b).

Citation and commencement

1. These Regulations may be cited as the Mobile Roaming (European Communities) (Amendment) Regulations 2009 and shall come into force on 1st July 2009.

Amendments

2. The Mobile Roaming (European Communities) Regulations 2007(c) are amended as set out in the Schedule.

Savings

3. The amendment made to regulation 5(4) of the Mobile Roaming (European Communities) Regulations 2007 shall not apply in relation to any breach of an obligation under—

- (a) the Regulation (EC) No. 717/2007 of the European Parliament and of the Council of 27th June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC(d); or
- (b) regulation 13 of the Mobile Roaming (European Communities) Regulations 2007

which occurs before the coming into force of these Regulations.

29th June 2009

Carter
Minister for Communications, Technology and Broadcasting
Department for Business, Innovation and Skills

(a) 1972 c. 68.
(b) S.I. 2001/3495.
(c) S.I.2007/1933.
(d) OJ No. L171, 29.6.2007, p.32.

SCHEDULE

Regulation 2

1. In regulation 1(2) (Citation, commencement and interpretation), for the definition of “the EU Mobile Roaming Regulation” substitute—

““the EU Mobile Roaming Regulation” means the Regulation (EC) No. 717/2007 of the European Parliament and of the Council of 27th June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC as amended by Regulation (EC) No. 544/2009 of the European Parliament and of the Council of 18th June 2009 amending Regulation (EC) No. 717/2007 and Directive 2002/21/EC(a);”.

2. In regulation 5(4) (Amount of penalty under regulation 4) for the definition of “relevant business” substitute—

““relevant business” means so much of any business carried on by the notified provider as consists in the provision of terrestrial public mobile communications services;”.

(a) OJ No L 167, 29.06.2009, p12

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Mobile Roaming (European Communities) Regulations 2007 (S.I. 2007/1933) (“the principal Regulations”).

The principal Regulations implement Articles 8 and 9 of the Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27th June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC (“the EU Mobile Roaming Regulation”) (OJ No. L171, 29.6.2007, p32).

The EU Mobile Roaming Regulation was amended by the Regulation (EC) No. 544/2009 of the European Parliament and of the Council of 18th June 2009 amending Regulation (EC) No. 717/2007 and Directive 2002/21/EC (OJ No. L167, 29.06.2009, p12).

Paragraph 1 of the schedule to these Regulations amends the definition of the EU Mobile Roaming Regulation in the principal Regulations so that it now refers to the EU Mobile Roaming Regulation as amended.

Paragraph 2 of the schedule to these Regulations amends the definition of “relevant business” for the purpose of calculating the amount of penalty under regulation 4 of the principal Regulations.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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