

## **The Geo-Blocking (Enforcement) Regulations 2018**

**Transposition Note for** Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (Text with EEA relevance) ("The EU Regulation")

These Regulations implement the enforcement provisions of the EU Regulation.

The EU Regulation has direct effect in the UK and the only provision that requires legislative transposition is Article 7 (Enforcement). This Article requires Member States to designate a body to enforce the EU Regulation and to lay down effective, proportionate and dissuasive rules setting out the measures applicable to infringements of the EU Regulation and to ensure that they are implemented. This article is transposed in the Geo-Blocking (Enforcement) Regulations 2018 as follows:

1. **Regulation 2** amends schedule 13 of the Enterprise Act 2002, adding the EU Regulation to that list. This will allow the regulators listed at section 213 of the Enterprise Act 2002 to use the enforcement regime contained in Part 8 of the Enterprise Act 2002 in respect of breaches of the EU Regulation, where those breaches harm the collective interests of consumers.
2. **Regulation 3** provides that where a trader breaches the EU Regulation and a customer (whether a consumer or a business customer) suffers loss as a result, the customer can bring a claim against the trader.

Article 8 of the EU Regulation requires Member States to designate a body to provide advice and assistance to consumers in relation to the EU Regulation. However, this is being addressed in separate non-legislative measures.