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STATUTORY INSTRUMENTS

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**2018 No. 1243**

The Open Internet Access (Amendment  
etc.) (EU Exit) Regulations 2018

PART 3

Amendment of retained direct EU legislation

**Amendment of Regulation (EU) 2015/2120**

**3.—**(1) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending [Directive 2002/22/EC](#) on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union is amended as follows.

(2) In Article 1(1) omit “common”.

(3) In Article 2, in the second paragraph, after subparagraph (2), insert—

“(3) ‘OFCOM’ means the Office of Communications as established by the Office of Communications Act 2002(1).”.

(4) In Article 3—

(a) in paragraph 1, for “Union law, or national law that complies with Union law”, substitute “national law”;

(b) in paragraph 3, for subparagraph (a), substitute—

“(a) comply with national legislation, to which the provider of internet access services is subject, or with measures giving effect to such national legislation, including with orders by courts or public authorities vested with relevant powers;”.

(5) In Article 4—

(a) in paragraph 3—

(i) omit “are in addition to those provided for in [Directive 2002/22/EC](#) and”;

(ii) for “Member States”, substitute “the Secretary of State or OFCOM”;

(iii) for “the relevant provisions of Directives [2002/21/EC](#) and [2002/22/EC](#)”, substitute “the relevant provisions of domestic legislation implementing Directives [2002/21/EC](#) and [2002/22/EC](#)”;

(b) in paragraph 4, for “the national regulatory authority”, substitute “OFCOM”.

(6) In Article 5—

(a) in paragraph 1, for “national regulatory authorities”, in each place it occurs, substitute “OFCOM”;

- (b) in paragraph 1, omit the words “For those purposes...” to “...including providers of internet access services.”;
  - (c) in paragraph 1, omit the words “, and provide those reports to the Commission and to BEREC”;
  - (d) in paragraph 2, for “the national regulatory authority”, in each place it occurs, substitute “OFCOM”;
  - (e) in paragraph 2, for “that national regulatory authority”, substitute “OFCOM”;
  - (f) omit paragraph 3;
  - (g) omit paragraph 4.
- (7) Omit Article 6 (Penalties).
- (8) Omit Article 8 (Amendment to [Directive 2002/22/EC](#)).
- (9) Omit Article 9 (Review clause).
- (10) In Article 10—
- (a) in paragraph 2, omit sub-paragraph (c);
  - (b) omit paragraph 3.
- (11) After Article 10, omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.