

**2019 No. 587**

**EXITING THE EUROPEAN UNION**  
**ELECTRONIC COMMUNICATIONS**

**The Mobile Roaming (EU Exit) Regulations 2019**

*Made* - - - - *14th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(a), makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Mobile Roaming (EU Exit) Regulations 2019 and come into force on exit day or, if later, on the day after the day on which they are made.

**Amendments to Mobile Roaming (European Communities) Regulations 2007**

2. Regulations 2, 2A and 7 to 12 of the Mobile Roaming (European Communities) Regulations 2007(b) are omitted.

**Amendments to EU Roaming Regulation**

3.—(1) In these Regulations “the EU Roaming Regulation” means Regulation (EU) No. 531/2012 of the European Parliament and of the Council of 13th June 2012 on roaming on public mobile communications networks within the Union(c).

(2) The EU Roaming Regulation is amended as follows.

(3) For Article 1, substitute—

*“Article 1*

**Subject matter and scope**

This Regulation lays down rules aimed at increasing price transparency and improving the provision of information on charges to users of roaming services.”.

(4) For paragraph 1 of Article 2, substitute—

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(a) 2018 c.16 (“the Act”).  
(b) S.I. 2007/1933; amended by S.I. 2009/1591, 2013/822 and 2014/2715. These Regulations, which were made under section 2(2) of the European Communities Act 1972 (c.68), continue to have effect on and after exit day by virtue of section 2(1) of the Act.  
(c) The EU Roaming Regulation forms part of domestic law on and after exit day by virtue of section 3(1) of the Act, except to the extent that section 3(2)(a)(iii) may apply.

“1. For the purposes of this Regulation, the expressions ‘public electronic communications network’, ‘interconnection’ and ‘network access’ shall have the respective meanings given by section 151(1), (2) and (3) of the Communications Act 2003(a).”.

(5) In paragraph 2 of Article 2—

- (a) omit point (c);
- (b) in points (d), (h) and (k), for “public communications network” substitute “public electronic communications network”;
- (c) in point (d), for “a Member State” substitute “the United Kingdom”;
- (d) after point (d), insert—

“(da) ‘public mobile communications network’ means a public electronic communications network which is used to provide mobile communications services to end-users (within the meaning of section 151(1) of the Communications Act 2003).”.

- (e) in point (e), omit “other than that of the roaming customer’s domestic provider”;
- (f) in point (f)—
  - (i) for “intra-Union calls” substitute “calls from the United Kingdom to a Member State or from a Member State to the United Kingdom or between Member States”;
  - (ii) for “intra-Union SMS messages” substitute “SMS messages from the United Kingdom to a Member State or from a Member State to the United Kingdom or between Member States”;
  - (iii) omit “other than that in which the network of the domestic provider is located”;
- (g) in point (g), for “the Union” substitute “the United Kingdom”;
- (h) in points (h) and (k), wherever it occurs, before “the Union” insert “the United Kingdom or”; and
- (i) omit points (o) to (s).

(6) Omit Articles 3 to 12(b).

(7) In paragraph 1 of Article 14—

- (a) in the first subparagraph, omit “other than that of his domestic provider”;
- (b) in the second subparagraph, omit the words from “and shall include information” to “in accordance with Article 6c”;
- (c) in the sixth subparagraph, omit “, with the exception of the reference to the fair use policy and the surcharge applied in accordance with Article 6c.”.

(8) In paragraph 2 of Article 14, after “their location within” insert “the United Kingdom or”

(9) Omit paragraph 2a of Article 14.

(10) In paragraph 4 of Article 14, for “their home Member State” substitute “the United Kingdom”.

(11) In paragraph 2 of Article 15—

- (a) omit the second subparagraph;
- (b) in the third subparagraph omit “other than that of his domestic provider”.

(12) Omit paragraph 2a of Article 15.

(13) In paragraph 3 of Article 15, in the second and third subparagraphs, for “EUR 50” substitute “£45”.

(14) In paragraph 5 of Article 15, for “their home Member State” substitute “the United Kingdom”.

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(a) 2003 c.21.

(b) Articles 8, 10 and 13 were repealed by Regulation (EU) 2015/2120.

(15) In paragraph 6 of Article 15, in the first subparagraph, omit “, of the second subparagraph of paragraph 2 and of paragraph 2a”.

(16) In paragraph 1 of Article 16—

- (a) in the first subparagraph, omit “within their territory”;
- (b) omit the second subparagraph.

(17) In paragraph 2 of Article 16—

- (a) omit “and, where relevant, BEREC”;
- (b) omit “, in particular Articles 6a, 6b, 6c, 6e, 7, 9, and 12,”.

(18) In paragraph 3 of Article 16, in the first subparagraph—

- (a) omit the first sentence;
- (b) in the second sentence, omit “also”.

(19) Omit paragraph 4a of Article 16.

(20) In paragraph 5 of Article 16—

- (a) for “Article 5 of the Access Directive”, substitute “sections 45 and 73 of the Communications Act 2003”;
- (b) for “access”, substitute “network access”;
- (c) for “another Member State”, substitute “a Member State”.

(21) In Article 16, as amended by paragraphs (16) to (20) above, for “national regulatory authorities”, “the national regulatory authority” or “a national regulatory authority”, wherever it occurs, substitute “OFCOM”.

(22) Omit Articles 17 to 21.

(23) In Article 22, omit the third subparagraph.

#### **Amendments to EU tertiary legislation**

**4.** The following are revoked—

- (a) Commission Implementing Regulation (EU) No 1203/2012 of 14 December 2012 on the separate sale of regulated retail roaming services within the Union<sup>(a)</sup>;
- (b) Commission Implementing Regulation (EU) 2016/2286 of 15 December 2016 laying down detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges and on the application to be submitted by a roaming provider for the purposes of that assessment; and
- (c) Commission Implementing Regulation (EU) 2018/1979 of 13 December 2018 setting the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2017/2311.

#### **Amendments to EEA agreement**

**5.** In Annex 11 to the EEA agreement, omit points 5cu, 5cua, 5cub and 5cuc<sup>(b)</sup>.

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(a) This Regulation, and the Regulations referred to in paragraphs (b) and (c), form part of domestic law on and after exit day by virtue of section 3(1) of the Act.

(b) These points form part of domestic law on and after exit day by virtue of section 3(1) of the Act.

14th March 2019

*Margot James*  
Minister for Digital and the Creative Industries  
Department for Digital, Culture, Media and Sport

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. The deficiencies addressed fall within paragraphs (a), (c) and (g) of section 8(2) of the 2018 Act.

These Regulations make amendments to legislation in relation to mobile roaming. Regulation 2 amends the Mobile Roaming (European Communities) Regulations 2007 (S.I. 2007/1933), regulation 3 amends the Regulation (EU) No. 531/2012 of the European Parliament and of the Council of 13th June 2012 on roaming on public mobile communications networks within the Union, regulation 4 revokes EU tertiary legislation ancillary to the Regulation and regulation 5 revokes references in the EEA agreement.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector can be seen at [www.gov.uk](http://www.gov.uk).

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