

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

LEGAL NOTICE NO. 550 OF 2020.

EUROPEAN UNION (WITHDRAWAL) ACT 2019

MOBILE ROAMING (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred upon on him by section 11 of the European Union (Withdrawal) Act 2019 and all other enabling powers, the Minister has made the following Regulations –

Title.

1. These Regulations may be cited as the Mobile Roaming (EU Exit) Regulations 2020.

Commencement.

2. These Regulations come into operation on 1 January 2021.

Interpretation.

3. 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 as amended from time to time.

Amendments to EU Roaming Regulation.

- 4.(1) The EU Roaming Regulation is amended in accordance with this regulation.

- (2) 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.”.

- (3) For paragraph 1 of Article 2, substitute-

“1. For the purposes of this Regulation, the expressions ‘public electronic communications network’, ‘interconnection’ and ‘network access’ shall have the respective meanings given by the Communications Act 2006.”.

(4) In paragraph 2 of Article 2-

- (a) delete point (c);
- (b) in points (d), (h) and (k), for the words “public communications network” substitute “public electronic communications network”;
- (c) in point (d) for the words “a Member State” substitute “Gibraltar”;
- (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 2(1) of the Communications Act 2006).”;
- (e) in point (e) delete “other than that of the roaming customer’s domestic provider”;
- (f) in point (f)-
 - (i) for the words “intra-Union calls” substitute “calls from Gibraltar to a Member State or from a Member State to Gibraltar or between Member States”;
 - (ii) for the words “intra-Union SMS messages” substitute “SMS messages from Gibraltar to a Member State or from a Member State to Gibraltar or between Member States”;
 - (iii) delete “other than that in which the network of the domestic provider is located”;
- (g) in point (g), for the words “the Union” substitute “Gibraltar”;
- (h) in points (h) and (k), whenever it occurs, before the words “the Union” insert “Gibraltar or”; and
- (i) delete points (o) to (s).

(5) Delete Articles 3 to 12.

(6) In paragraph 1 of Article 14-

- (a) in the first subparagraph-
 - (i) delete “other than that of his domestic provider”;
 - (ii) delete “(including VAT)”;

- (b) for the second subparagraph, substitute-
 - “That basic personalised pricing information shall be expressed in the currency of the home bill provided by the customer’s domestic provider.”; and
 - (c) in the sixth subparagraph, delete “, with the exception of the reference to the fair use policy and the surcharge applied in accordance with Article 6c,”.
- (7) In paragraph 2 of Article 14, after the words “their location within” insert “Gibraltar or”.
- (8) Delete paragraph 2a of Article 14.
- (9) In paragraph 4 of Article 14, for the words “their home Member State” substitute “Gibraltar”.
- (10) In paragraph 2 of Article 15-
- (a) delete the second subparagraph;
 - (b) in the third subparagraph delete the words “other than that of his domestic provider”;
- (11) Delete paragraph 2a of Article 15.
- (12) In paragraph 3 of Article 15 –
- (a) where “EUR 50” appears, substitute “£45”;
 - (b) delete the words “(excluding VAT)” both times it appears;
- (13) In paragraph 5 of Article 15, for the words “their Home Member State” substitute “Gibraltar”.
- (14) In paragraph 6 of Article 15, in the first subparagraph, delete “of the second subparagraph or paragraph 2 and of paragraph 2a,”.
- (15) In paragraph 1 of Article 16-
- (a) in the first subparagraph, delete “within their territory”;
 - (b) delete the second subparagraph.
- (16) In paragraph 2 of Article 16-
- (a) delete the words “and where relevant, BEREC”;

- (b) delete the words “, in particular Articles 6a, 6b, 6c, 6e, 7, 9 and 12,”.
- (17) In paragraph 3 of Article 16-
 - (a) delete the first sentence;
 - (b) in the second sentence, delete “also”.
- (18) Delete paragraph 4a of Article 16.
- (19) In paragraph 5 of Article 16-
 - (a) for the words “Article 5 of the Access Directive”, substitute “Regulation 6 of the Communication (Access) Regulations 2006”;
 - (b) for the word “access”, substitute “network access”;
 - (c) for the words “another Member State”, substitute “a Member State”.
- (20) In Article 16, as amended by paragraphs (16) to (19) above, for the words “national regulatory authorities”, “the national regulatory authority” or “a national regulatory authority” appear, substitute “the Gibraltar Regulatory Authority”.
- (21) Delete Articles 17 to 21.
- (22) In Article 22, delete the third subparagraph.

Amendments to EU tertiary legislation.

5. 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;
- (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.

6. In Annex 11 to the EEA agreement, delete points 5cu, 5cua, 5cub and 5cuc.

Dated: 24th December 2020.

SIR J BOSSANO,
Minister with responsibility for Telecommunications.