

**EXPLANATORY MEMORANDUM TO
THE MOBILE ROAMING (EUROPEAN COMMUNITIES) REGULATIONS 2007**

2007 No. 1933

1. This explanatory memorandum has been prepared by the Department for Business, Enterprise & Regulatory Reform and is laid before Parliament by Command of Her Majesty.

2. Description

These Regulations implement into UK legislation the requirements of Articles 8 and 9 of the Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC (“the EU Roaming Regulation”).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The EU Roaming Regulation came into force on 30th June 2007.

4.2 Article 8 of the EU Roaming Regulation requires dispute resolution procedures to be put in place to cover disputes between different communications providers and between communications providers and their customers. Article 9 of the EU Roaming Regulation requires each Member State to enforce the EU Roaming Regulation by putting in place effective, proportionate and dissuasive penalties.

4.3 The Communications Act 2003 (“the Act”) provides OFCOM (The Office of Communications) with powers to regulate the activities of the telecommunications sector in the UK. It is proposed, therefore, that these Regulations provide OFCOM with additional powers which are required for the effective implementation of the EU Roaming Regulation. To do this we have adapted relevant provisions in the Communications Act (“the Act”).

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

The EU Roaming Regulation resulted from a policy initiative from the Commission and reflected a long period of concern about high roaming charges.

It is expected that guidance on the Roaming Regulation will be made available on the website of the European Regulators Group (ERG) (www.erg.eu.int) in the next couple of weeks. OFCOM may also issue guidance on aspects of the Regulation.

As regards the scrutiny history of the EU Roaming Regulation, there have been two rounds of discussion in both the House of Commons and House of Lords scrutiny committees, culminating in clearance of the EU Roaming Regulation by both (by committee meeting in the former and through open debate in the latter case). Correspondence took place between Michael Connarty MP, Chairman of the European Scrutiny Committee in the House of Commons, Lord Grenfell, Chairman of the equivalent organisation in the House of Lords and the Right Honourable Margaret Hodge, Minister of State for Industry and the Regions in which clarification of the provisions and legal base of the EU Roaming Regulation was provided and discussed.

The EU Roaming Regulation was agreed in June 2007 and came into force on 1 July 2007. The essential elements of the EU Roaming Regulation are that it introduces an average wholesale price cap which must be met by operators when they procure roaming capacity from one another and a tariff that has to be offered to all roaming customers (the Eurotariff, which is considerably less than the highest retail rates currently paid). There are also requirements on the operators in terms of ensuring the transparency of retail mobile roaming charges. All of these obligations are directly applicable on the operators. The first obligations on the operators will take effect on 30 July 2007 when they will be required to offer customers the Eurotariff. The Regulation also gives national regulatory authorities obligations to supervise and enforce the Regulation within their territory and requires Member States to put in place dispute resolution measures and to lay down the rules on penalties applicable to infringements of the Regulation.

The Mobile Roaming (European Communities) Regulations 2007 adapt the relevant provisions of the Act, for the purposes of ensuring that the necessary implementation is in place.

7.1 It is necessary for the implementing Regulations to come into force by the end of July 2007 to ensure that OFCOM are in a position to take action against those telecommunications companies who do not meet the requirements of the EU Roaming Regulation within the timeframe given in the Regulation.

7.2 The key provisions of the Regulations are:

- the designation of OFCOM as the national regulatory authority
- procedure for notification of breaches of the EU Roaming Regulation
- the penalties for breaches of the EU Roaming Regulation
- calculation of company turnover to calculate the level of penalties

- dispute resolution procedures
- appeal procedures.

The penalties provisions in the Regulations have adapted sections 94 and 96-97 of the Act, as well as sections 135 and 139 which deal with the provisions of information to OFCOM. The amount of a penalty imposed for a breach of Article 7(4), namely a failure to provide OFCOM with the information in relation to the implementation and enforcement of the EU Mobile Roaming Regulation shall be no more than £50,000. This penalty is based upon the penalty set out in section 139 of the Act for a failure to provide information to OFCOM in accordance with section 135. A penalty of up to 10% of turnover of “relevant business” for a particular period may be imposed by OFCOM for all other breaches of the Regulation (e.g. failure to comply with the maximum wholesale and retail prices). This is based upon the penalty set out in section 97 of the Act, for breaches of general conditions. “Relevant business” is defined as “so much of any business carried on by the notified provider as consists in the provision of terrestrial public mobile telephony services”. In both cases the amount of the penalty levied by OFCOM is an amount which is determined by them to be both appropriate and proportionate.

The dispute resolution procedures are also adapted from the Act. The dispute resolution procedures to resolve consumer disputes adapt sections 52 and 54 to 55 of the Act and the procedures for resolving disputes between communication providers adapt the procedures set out in sections 185 to 190 of the Act.

The appeals provisions also adapt provisions of the Act, namely sections 192, 195 and 196.

Appeals to decisions made by OFCOM shall lie to the Competition Appeal Tribunal ("the CAT") on the merits, and appeals from the CAT shall go to the Court of Appeal and the Court of Session in Scotland on a point of law.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

9. Contact

Geoff Smith at the Department of Business, Enterprise & Regulatory Reform
Tel: 020 7215 2940 or email geoff.smith@dti.gsi.gov.uk can answer any queries regarding the instrument.

Summary: Intervention & Options

Department /Agency: DBERR	Title: Impact Assessment of [Statutory Instrument relating to the Electronic Communications Mobile Roaming Regulations 2007]	
Stage: Final	Version: 1	Date: 4 July 2007
Related Publications:		

Available to view or download at:

<http://www.>

Contact for enquiries: Geoff Smith

Telephone: 020 7215 2940

What is the problem under consideration? Why is government intervention necessary?

The recently published Regulation on roaming on public mobile telephone networks in the community (Regulation EC No 717/2007) sets certain requirements on Member States to monitor and enforce the provisions of the Regulation in their national jurisdictions.

In relation to some of the provisions (Article 9 on penalties for non-compliance for example) current legal powers are insufficient to ensure the requirements of the Regulation are properly enforced. In other cases, some additional clarification/explanantion of how the UK will implement the provisions of the Regulation is necessary.

What are the policy objectives and the intended effects?

The designated UK authority (Ofcom) must be able to enforce the provisions of the roaming regulation (EC 717/2007) effectively, in order for the UK to meet its community obligations.

The intended effect of the preferred policy proposal set out below is to ensure that the UK is able to implement and enforce the provisions of the roaming Regulation effectively, and therefore deliver benefits to UK consumers of mobile international roaming services.

What policy options have been considered? Please justify any preferred option.

The following three policy options have been considered:

- 1) Do nothing - no Statutory Instrument;
- 2) Minimal approach - Scope of SI restricted to specific areas; and
- 3) Broader approach - scope of SI covers a wider range of areas.

The preferred approach is for option 2), balancing the need for effective enforcement of the Regulation with minmal additional regulation or resource requirements.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? Following collection of various data for compliance monitoring purposes - between 12 and 18 months (between Oct 2008 and Mar 2009) of the Regulation taking effect.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Stephen Timms

Date: 5th July 2007

Summary: Analysis & Evidence

Policy Option: 2	Description: minimal scope Statutory instrument
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' MNOs may incur additional reporting costs of up to £145 per company annually; Ofcom may incur additional enforcement costs to prosecute breaches of the EU regulation (not quantifiable as they depend on need to take action against breaches.)	
	One-off (Transition) Yrs		
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ 8,000	Total Cost (PV)	£ -
Other key non-monetised costs by 'main affected groups' Some limited additional resource costs on Ofcom and industry if action to enforce provisions of the Regulation is required. Also some limited additional resource requirements on participating Alternative Dispute Resolution (ADR) services.			

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups'	
	One-off Yrs		
	£ -		
	Average Annual Benefit (excluding one-off)		
	£ -	Total Benefit (PV)	£ -
Other key non-monetised benefits by 'main affected groups' Better and more robust protection for UK consumers of international roaming services against high retail prices, as providers of such services are incentivised to comply with regulatory provisions to avoid enforcement action being taken.			

Key Assumptions/Sensitivities/Risks
Risk of increased legal costs/resource requirements if enforcement action is taken and subsequently challenged/appealed.

Price Base Year -0	Time Period Years -0	Net Benefit Range (NPV) £ -	NET BENEFIT (NPV Best estimate) £ -
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What is the geographic coverage of the policy/option?	UK
On what date will the policy be implemented?	30 th July 2007
Which organisation(s) will enforce the policy?	Ofcom
What is the total annual cost of enforcement for these organisations?	£ [See above]-
Does enforcement comply with Hampton principles?	Yes
Will implementation go beyond minimum EU requirements?	No
What is the value of the proposed offsetting measure per year?	£ -
What is the value of changes in greenhouse gas emissions?	£ -
Will the proposal have a significant impact on competition?	Yes

Annual cost (£-£) per organisation (excluding one-off)	Micro	Small 145	Medium 145	Large 145
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £ 5,000	Decrease £ 0	Net Impact	£ 5,000

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Regulation implements requirements of Articles 8 and 9 of the Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC.

Overview of Policy options

There are three policy options to ensure that the UK will effectively implement and enforce the provisions of the Regulation:

Option 1) – Do nothing

Under this option no further legal implementation of the provisions set out in the roaming regulation would be undertaken. In this case therefore no Statutory Instrument would be issued.

Option 2) – minimal approach

Under this option the scope of any Statutory Instrument would be restricted to specific areas where the Roaming Regulation requires Member States to state the approach to be taken; for example in relation to penalties under Article 9.

Option 3) – broader approach

Under this option the scope of Statutory Instrument would be broader and cover, in addition to the areas under option 2) above, a range of areas where further clarity than provided is considered helpful.

Review of policy options

Option 1) – do nothing

This option carries the very real risk that the UK is unable to enforce the provisions set out in the roaming regulation. If the UK is unable to enforce provisions of the regulation, some providers of international roaming services may choose not to comply with the provisions. UK consumers would be likely to be worse off when purchasing retail roaming services as a result.

Furthermore, in such a scenario the UK risks being infringed by the Commission for a breach of the EC Treaty.

Option 2) – minimal approach

This option seeks to balance ensuring effective implementation and enforcement of the regulation with minimal additional regulation or resource requirements. This approach would

ensure that the UK had adequate legal powers to enforce the provisions of the regulation in case of a compliance breach, with the minimal additional regulatory or resource burdens.

Furthermore, under the provisions of the Article 9 of the Regulation, the UK is required to lay down a penalty regime which is effective, proportionate and dissuasive.

This approach proposes an SI setting out powers on the level and enforcement of penalties applied in case of a breach of the regulation and covering the process for Alternative Dispute resolution (ADR). Further reasoning on the need for these additional powers (in relation to Articles 8(2) and 9) of the regulation is set out below.

Option 3) – broader approach

The proposal under this option is to add further clarity to various provisions included within the regulation. For example to include explicitly within an SI the process by which information for monitoring compliance with the regulation would be collected.

Preferred policy option

Option 2) is considered to be the best option. This would balance the requirement to effectively implement and enforce the roaming regulation with the minimal additional regulatory and resource requirements.

Option 1) runs the risk that the regulation will not be enforceable, and therefore that the UK is infringed by the Commission for a breach of the EC Treaty. Option 3) potentially extends the regulatory powers beyond those set out in the Regulation, decreasing flexibility and increasing burden on the industry. This would not comply with Hampton principles of better regulation.

Overview justification for adoption of policy option 2)

Requirement for additional powers in relation to Article 8(2) and Article 9 of the EC regulation No. 717/2007.

Article 8(2) – Dispute resolution

Article 8 (2) requires Member States to ensure that – in relation to issues falling within the scope of this new Regulation – procedures for the resolution of disputes set up under Article 34 of the Universal Service Directive (2002/22/EC) are available for all end-users.

The way Article 34 of the Universal Service Directive has been transposed in the UK is, in particular, by (a) giving Ofcom the power to set General Conditions under sections 52 et. seq. and also putting the duty upon Ofcom to do so in relation to domestic and small business customers.

In relation to an alternative dispute resolution scheme (ADR) Ofcom made use of its powers by adopting General Condition 14.7, the scope of which, however, is limited to end-users that are either domestic or small business customers (i.e. business with ten or fewer employees). As such the obligation upon Communication Providers to be part of such an ADR does not extend to medium sized or large business.

Therefore, in order to close this legislative gap and to comply with the obligation on the Member States set out in Art. 8 (2), it is necessary to impose an additional obligation on communications provider to ensure that all their end-user can take unresolved disputes in relation to issues falling under the EU Roaming Regulation to an independent body set up under one of these ADR schemes. To make this obligation meaningful it is also important to give Ofcom the respective enforcement powers in case a Communications Provider does not comply with this obligation.

Article 9 – Penalties

Currently, penalties under the enforcement scheme in place can only be imposed once the notification period under section 94 (minimum one month) has expired and the provider in question has not remedied the alleged infringement.

This raises two issues. The first relates to the scope of Ofcom's enforcement powers and thus its powers to impose penalties. The second raises the question as to whether the existing rules with regards to penalties are sufficiently dissuasive and effective as required under Article 9 of the Roaming Regulation.

Whilst the amount of a possible penalty currently envisaged under section 97 (1) of the Act (maximum 10% of the provider's relevant turnover) can be considered sufficiently dissuasive, the current procedure which does not allow Ofcom to issue such penalties immediately (one month notification period etc.) might not be considered effective and dissuasive as requested by Article 9 of the Roaming Regulation.

As a result it would be advisable to bestow Ofcom with the possibility to impose penalties equal or similar to those under section 96 and 97 in case of infringement against the obligation of the Roaming Regulation without requiring prior issuing of a notification under section 94 of the Act.

Option 2 would impose some additional reporting requirements on the five Mobile Network Operators (MNOs) and the 40+ companies providing mobile services, having purchased various wholesale inputs from the mobile operators. Similar reporting requirements for MNOs under existing legislation are estimated in the Administrative Burdens Measurement Exercise by PwC to cost up to £8,000 (eight thousand GBP) annually for the sector, with burdens after allowance for "business as usual" costs of £5,000 – approximately £80 per company annually. The additional administrative burden for each company is therefore minimal. There may be some additional enforcement costs for Ofcom, but these are dependent on whether breaches of the regulation occur and are not, therefore quantifiable.

Option 1 would not impose any additional burdens on business but would not deliver the required enforcement and therefore may prevent the consumer benefits from being realised.

Option 3 would deliver the consumer benefits, but would significantly increase costs to business and go beyond EU requirements.

Competition Assessment

The European Parliament, as part of its deliberations upon the proposed Roaming Regulation, laid stress on the potentially beneficial effects of the cap on wholesale prices in enabling small mobile network operators to enter the European telecommunications market. This SI will help to ensure that an appeals procedure is available for small operators who believe that there has been an infringement of the provisions of the Regulation.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes/No	Yes/No
Small Firms Impact Test	Yes/No	Yes/No
Legal Aid	Yes/No	Yes/No
Sustainable Development	Yes/No	Yes/No
Carbon Assessment	Yes/No	Yes/No
Other Environment	Yes/No	Yes/No
Health Impact Assessment	Yes/No	Yes/No
Race Equality	Yes/No	Yes/No
Disability Equality	Yes/No	Yes/No
Gender Equality	No	Yes/No
Human Rights	Yes/No	Yes/No
Rural Proofing	Yes/No	Yes/No

Annexes

No attachments. As this RIA applies purely to a Statutory Instrument relating to the mandatory implementation of provisions enabling the enforcement of a European Regulation, specific impact tests of the type listed above were not deemed appropriate.

The Mobile Roaming (European Communities) Regulations 2003

Transposition Notes

Regulation No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC (“the Regulation”)

The Regulation introduces an average wholesale price cap that must be met by operators when they procure roaming capacity from one another and a tariff that has to be offered to all roaming customers (the Eurotariff), with maximum rates for incoming and outgoing calls made. It also introduces transparency requirements in relation to retail mobile roaming charges. It gives national regulatory authorities obligations to supervise and enforce the Regulation within their territory and requires Member States to put in place dispute resolution measures and to lay down the rules on penalties applicable to infringements of the Regulation.

The Regulation is directly applicable and therefore only those articles which require the Member States to take action require implementation.

This table has been prepared by the Department of Business Enterprise and Regulatory Reform.

1.	Sets out the subject matter and scope of the Regulation.	No implementation required.
2.	Definitions.	No implementation required.
3.	Introduces an average wholesale price cap that must be met by operators when they procure roaming capacity from one another and lays down how to calculate the charge.	No implementation required.
4.	Introduces a tariff that has to be offered to all roaming customers (the Eurotariff) with maximum rates for incoming and outgoing calls made.	No implementation required.
5.	Provides for the dates from which Articles 3 and 6 apply.	No implementation required.
6.	Lays down transparency requirements in relation to retail charges.	No implementation required.
7.	Sets out the obligations of national regulatory authorities to supervise and enforce the Regulation.	No implementation required.
8 (1).	Requires that in the event of a dispute between undertakings which provide electronic communications networks or services in connection with the obligations laid down in the Regulation, Member States should ensure that the procedures laid down in Articles 20 and 21 of the Framework Directive (2002/21/EC) are available.	<p>Regulations 7 to 12 of the Mobile Roaming (European Communities) Regulations 2007 adapt the provisions of sections 185 to 190 of the Communications Act 2003 (“the Act”). These sections implemented Articles 20 and 21 of the Framework Directive.</p> <p>Regulation 7 of the Mobile Roaming (European Communities) Regulations 2007 provides that disputes between communications providers in relation to the obligations laid down in the Regulation may be referred to OFCOM (the national regulatory authority for the UK).</p> <p>Regulation 8 sets out what action can be taken by OFCOM when a dispute is referred to them. OFCOM must decide whether there are alternative means for resolving a dispute or whether it is appropriate for them to handle the dispute. Should OFCOM decide that the dispute is to be resolved by alternative means, and the dispute is then not resolved after a period of one month after OFCOM’s decision to refer the dispute, regulation 8(6) states that the dispute may be referred back to OFCOM by one or more of the parties to the dispute.</p>

		<p>Regulation 9 states that where a dispute is referred to OFCOM by regulation 7 or 8(6), that reference shall not prevent parties to the dispute, OFCOM, or any other person from bringing or continuing with legal proceedings. Nor should a reference to OFCOM prevent OFCOM from giving a notification under regulation 3 above for breaches of the Regulation. Regulation 9 also sets out what OFCOM should do where a court order is made in the course of legal proceedings to stay or sist the handling of the dispute by OFCOM.</p> <p>Regulation 10 sets out the procedures for resolving the disputes and the time frame in which OFCOM must make its decisions.</p> <p>Regulation 11 refers to disputes handled by OFCOM which deal with matters that relate partly to a matter falling within the jurisdiction of the regulatory authorities of another Member State. The regulation provides for consultation to take place with the other regulatory authorities.</p> <p>Regulation 12 sets out the powers OFCOM has to make determinations of the referred disputes.</p>
8(2).	Requires that in the event of a dispute involving a consumer or end user, concerning an issue falling within the scope of the Regulation, Member States shall ensure that the out of court dispute resolution procedures in place under Article 34 of the Universal Service Directive (2002/22/EC) are available.	Regulation 13 of the Mobile Roaming (European Communities) Regulations 2007 implements Article 8(2) of the Regulation and provides that communications providers must extend existing dispute resolution schemes to cover disputes between them and any customer in connection with disputes relating to the Regulation or establish new schemes to cover such disputes or comply with any scheme established by OFCOM under section 55 of the Act, as if such a scheme extended to all customers. Sections 52 and 54 to 55 of the Act implemented Article 34 of the Universal Service Directive; these provisions were not required to and do not cover large business customers.
9.	Requires Member States to lay down the rules on penalties applicable to infringements of the Regulation and take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.	<p>Regulation 2 appoints OFCOM as the national regulatory authority for the purposes of the Mobile Roaming Regulation.</p> <p>Regulation 3 provides for a notification procedure where OFCOM determine that there has been a breach of the Regulation or regulation 8 of the Mobile Roaming (European Communities) Regulations 2007. The procedure set out in regulation 3 adapts the procedure in section 94 of the Act. Where OFCOM notifies a person, “the notified provider” that there has been a breach, the notified provider is allowed a reasonable period to make representations which OFCOM must have regard to when determining the amount of the penalty imposed under regulation 5.</p> <p>Regulation 4 provides that where there is a breach of the Regulation or regulation 8 of the Mobile Roaming Regulations (European Communities) 2007, OFCOM shall have the power to impose a penalty for such breach. Regulation 4 adapts the provisions in section 96 of the Act giving OFCOM power to impose penalties for breach of general conditions. Any decision by OFCOM to impose a penalty must be communicated within one week and such penalty must be paid to OFCOM within a reasonable period, as fixed by OFCOM.</p> <p>Regulation 5 provides for the amount of the penalty which may be imposed and adapts the provisions of section 97 of the Act. A penalty of up to £50,000 may be imposed for breach of a requirement under Article 7(4) of the Regulation, to provide OFCOM with information in relation to implementation and enforcement of the Regulation. This penalty is based on the penalty for the failure to provide information to OFCOM as provided for in section 139 of the Act. A penalty of up to 10% of turnover of “relevant business” for a particular period may be imposed by OFCOM for all other breaches of the Regulation, such as a failure to</p>

		<p>comply with the average wholesale price cap or the Eurotariff, provide transparent charging arrangements or fail to provide suitable ADR schemes for disputes involving customers. “Relevant business” is defined as “so much of any business carried on by the notified provider as consists in the provision of terrestrial public mobile telephony services”.</p> <p>Regulation 6 sets out how the turnover of “relevant business” is to be calculated when setting a penalty for breach of the Regulation or regulation 8 of the Mobile Roaming (European Communities) Regulation 2007. These rules are taken from the existing rules made under section 97(3) of the Act (the Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003 (SI 2003/2712)).</p> <p>Regulations 14 to 16 have adapted the procedures set out in sections 192 and 195 to 196 of the Act.</p> <p>Regulation 14 provides for a right of appeal for a person affected by a decision of OFCOM under the Regulation or the Mobile Roaming (European Communities) Regulations 2007, to appeal that decision to the Competition Appeal Tribunal (“the CAT”).</p> <p>Regulation 15 states that the appeal to the CAT shall be an appeal on the merits. Regulation 15 also sets out the procedures by which the CAT shall consider the appeal.</p> <p>Regulation 16 provides for a right of appeal from the CAT to the Court of Appeal or the Court of Session on a point of law.</p>
10.	Amends Directive 2002/12/EC.	No implementation required.
11.	Provides for review of the Regulation by the EU Commission no later than 10 months after it comes into force.	No implementation required.
12.	Requires notification of the identity of the national regulatory authority to the Commission.	No implementation required.
13.	Entry into force and expiry.	No implementation required.