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STATUTORY INSTRUMENTS

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**2016 No. 607**

**The Open Internet Access (EU Regulation) Regulations 2016**

**PART 3**  
**REQUIREMENTS**

**Consultation for requirements**

**10.**—(1) Subject to paragraph (2), this regulation applies where OFCOM propose to impose a requirement under regulation 7, or modify or revoke a requirement so imposed.

(2) This regulation does not apply where in OFCOM's opinion—

- (a) there are exceptional circumstances; and
- (b) there is an urgent need to act in order to ensure compliance with the EU Regulation.

(3) OFCOM must publish a notification—

- (a) stating that they are proposing to impose, modify or revoke the requirements that are specified in the notification;
- (b) setting out the effects of those requirements, modifications or revocations;
- (c) giving their reasons for making the proposal; and
- (d) specifying the period within which representations may be made to OFCOM about their proposal.

(4) That period must end no less than one month after the day of the publication of the notification.

(5) But where OFCOM are satisfied that there are exceptional circumstances justifying the use of a shorter period, the period specified for making representations may be whatever shorter period OFCOM consider reasonable in those circumstances.

(6) OFCOM must—

- (a) consider every representation about the proposal made to them during the period specified in the notification; and
- (b) have regard to every international obligation of the United Kingdom (if any) which has been notified to them for the purposes of this paragraph by the Secretary of State.

(7) OFCOM may then give effect to the proposal, with any modifications that appear to OFCOM to be appropriate.

(8) The publication of a notification under this regulation must be in such manner as appears to OFCOM to be appropriate for bringing the contents of the notification to the attention of such persons as OFCOM consider appropriate.