

<b>Transposition Note</b>
<b>Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)</b>
Transposition Note setting out how the Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications code and EU Exit) Regulations 2020 and other existing legislation implement Directive (EU) 2018/1972
The European Electronic Communications Code Directive (2018/1972/EU) is concerned with the regulatory regime for electronic communications networks and services and repeals and replaces the Framework Directive (2002/21/EC), the Access Directive (2002/19/EC), the Authorisation Directive (2002/20/EC), and the Universal Service Directive (2002/22/EC).
The Directive was published in the Official Journal of the European Union in December 2018 with an implementation deadline for Member States of 21 December 2020.

Article	Title	Implementation
Article 1	Subject matter, scope and aims	
1(1) to 1(3)		Not required: identifies aim of Directive
1(4)		Not required as Ofcom is subject to data protection legislation
Article 2	Definitions	
2(1)		Section 32(1) of the Communications Act 2003
2(2)		Section 4(12A) of the Communications Act 2003, as inserted by paragraph 3(7) of Schedule 1 to the regulations
2(3)		Section 83(1) of the Communications Act 2003

2(4)		Section 32(2) of the Communications Act 2003, as amended by paragraph 6 of Schedule 1 to the regulations
2(5)		Section 32A(2) of the Communications Act 2003, as inserted by paragraph 7 of Schedule 1 to the regulations
2(6)		Section 32A(1) of the Communications Act 2003, as inserted by paragraph 7 of Schedule 1 to the regulations
2(7)		Section 135(3B) of the Communications Act 2003, as inserted by paragraph 58(4) of Schedule 1 to the regulations
2(8)		Section 151(1) of the Communications Act 2003
2(9)		Section 74 of the Communications Act 2003 as amended by paragraph 31 of Schedule 1 to the regulations
2(10)		Section 32(3) of the Communications Act 2003
2(11)		Section 32(3) of the Communications Act 2003
2(12)		Sections 75(3) and 76(4) of the Communications Act 2003
2(13)		Section 151(1) of the Communications Act 2003
2(14)		Section 151(1) of the Communications Act 2003
2(15)		This definition is not separately reproduced
2(16)		Section 32(4)(a) of the Communications Act 2003
2(17)		This definition is not separately reproduced
2(18)		Section 74(3) and (4) of the Communications Act 2003
2(19)		This definition is not separately reproduced
2(20)		Section 54 of the Wireless Telegraphy Act 2006
2(21)		Section 105A of the Communications Act 2003

2(22)		Section 45 of the Communications Act 2003 enables Ofcom to set various types of conditions which set out the legal framework for the provision of an electronic communications network or service
2(23)		Not required: see Article 57
2(24)		This definition is not separately reproduced
2(25)		This definition is not separately reproduced
2(26)		This definition is not separately reproduced
2(27)		Section 151(1) and (3) of the Communications Act 2003
2(28)		Section 151(1) and (2) of the Communications Act 2003
2(29) to (40)		These definitions are not separately reproduced
2(41)		Section 151(1) of the Communications Act 2003, amended by paragraph 61(2)(f) of Schedule 1 to the regulations
2(42)		This definition is not separately reproduced
Article 3	General objectives	Section 4 of the Communications Act 2003, as amended by paragraph 3 of Schedule 1 to the regulations
Article 4	Strategic Planning and coordination of radio spectrum policy	
4(1) to (3)		Sections 3, 4, 5 and 22 of the Communications Act 2003, and section 3 of the Wireless Telegraphy Act 2006
4(4)		Not required - obligation falls on the European Commission
Article 5	National regulatory and other competent authorities.	
5(1)		The Office of Communications Act 2002. Ofcom's functions are set out in the

		Communications Act 2003 and the Wireless Telegraphy Act 2006
5(2)		Sections 3 and 4 of the Communications Act 2003
5(3)		Communications Act 2003 and Wireless Telegraphy Act 2006, and other legislation relating to electronic communications
5(4)		No transposition required
Article 6	Independence of national regulatory authorities and other competent authorities	Transposed by section 1 of, and Schedule 1 to, the Office of Communications Act 2002, and sections 3 and 38 of the Communications Act 2003
Article 7	Appointment and dismissal of members of national regulatory authorities	Section 1 of, and Schedule 1 to, the Office for Communications Act 2002
Article 8	Political independence and accountability of the national regulatory authorities	
8(1)		Section 1 of the Office for Communications Act 2002 and by section 5 of the Communications Act 2003, as amended by paragraph 5 of Schedule 1 to the regulations
8(2)		Schedule 1 of the Office for Communications Act 2002
Article 9	Regulatory capacity of national regulatory authorities	Schedule 1 to the Office for Communications Act 2002, and by section 28 and sections 38 to 43 of the Communications Act 2003
Article 10	Participation of national regulatory authorities in BEREC.	Section 3 of the Communications Act 2003, and Article 4(4) of Regulation (EU) 2018/1971 (BEREC Regulation)
Article 11	Cooperation with National Authorities	Section 393 of the Communications Act 2003 and Part 9 of the Enterprise Act 2002

Article 12	General Authorisation of Electronic Communications Networks and Services	
12(1)		Sections 45, 98 and 132 of the Communications Act 2003
12(2)		Sections 45 and 46 of the Communications Act 2003
12(3)		Section 33 of the Communications Act 2003
12(4)		Section 33(5) of the Communications Act 2003 as amended by paragraph 8 of Schedule 1 to the regulations
Article 13	Conditions attached to the general authorisation and to the rights of use for radio spectrum and for numbering resources, and specific obligations	
13(1)	.	Sections 3(2), 47(2), 51, 52, 57, 58, 59, 64, 67, 73, and 77 of the Communications Act 2003 and sections 3, 8(3A) and 9(1A) of the Wireless Telegraphy Act 2006
13(2)		Sections 67, 73, 75 and 87 to 92 of the Communications Act 2003
13(3)		Sections 51, 52, and 64 of the Communications Act 2003
13(4)		Section 3 of the Communications Act 2003, and sections 9(6) and 18(7) of the Wireless Telegraphy Act 2006
Article 14	Declarations to facilitate the exercise of rights to install facilities and rights of interconnection	Section 146 of the Communications Act 2003
Article 15	Minimum list of rights derived from the general authorisation	
15(1)		Sections 4, 51, 58, 66, 106 and 107 of the Communications Act 2003, Regulation 3 of the

		Electronic Communications and Wireless Telegraphy Regulations 2011, and section 8 of the Wireless Telegraphy Act 2006
15(2)		Sections 51 and 66 of the Communications Act 2003
Article 16	Administrative Charges	
16(1)		Sections 38 and 39 of the Communications Act 2003
16(2)		Section 38(9) of the Communications Act 2003
Article 17	Accounting separation and financial reports	
17(1)		Sections 77(3)(b) and (c) of the Communications Act 2003
17(2)		Sections 45(6), 46(3), 46(4) and 77 of the Communications Act 2003
Article 18	Amendment of rights and obligations	
18(1)		Sections 47, 48, 60, 106, 107, 109, and 115 of the Communications Act 2003, and section 8(3B) of the Wireless Telegraphy Act 2006
18(2)		Sections 48, 48A and 114 of the Communications Act 2003
Article 19	Restriction or withdrawal of rights	
19(1)		Sections 47, 48 and 48A of the Communications Act 2003, and paragraphs 6, 6A, 7 and 8, Schedule 1 of the Wireless Telegraphy Act 2006
19(2)		Sections 3(2)(a) and 3(3) of the Communications Act 2003 and section 3(2)(a) and paragraph 6A, Schedule 1 to the Wireless Telegraphy Act 2006
19(3)		Transposed by paragraphs 6, 6A, 7 and 8, Schedule 1 of the Wireless Telegraphy Act 2006
19(4)		Transposed by sections 47, 48 and 48A of the Communications Act 2003, and paragraphs 6, 6A, 7 and 8, Schedule 1 to the Wireless Telegraphy Act 2006

Article 20	Information request to undertakings	
20(1)		Section 135 of the Communications Act 2003, as amended by paragraph 58 of Schedule 1 to the regulations; sections 136, 137 and 191 of the Communications Act 2003
20(2)		Section 25 of the Communications Act 2003
20(3)		Nothing additional required, covered by common law duty of confidence
20(4)		Section 26 of the Communications Act 2003
20(5)		Section 26(6) of the Communications Act 2003
Article 21	Information required with regard to the general authorisation, rights of use and specific obligations	
21(1)		Sections 32 and 32A of the Wireless Telegraphy Act 2006 and sections 135, 136 and 137 of the Communications Act 2003
21(2)		Sections 9 and 32A of the Wireless Telegraphy Act 2006
21(3)		Sections 32 and 32A of the Wireless Telegraphy Act 2006 and sections 135, 136 and 137 of the Communications Act 2003
21(4)		Not required. Requests for information already held cannot be made under UK law
Article 22	Geographical surveys of network deployments	
22(1)		Sections 134A, 134AA of the Communications Act 2003 and sections 134AC and 134B of that Act as amended by paragraphs 56 and 57 of Schedule 1 to the regulations
22(2) to (4)		The UK is not implementing these optional provisions
22(5)		Section 134AC(3) of the Communications Act 2003, as inserted by paragraph 56 of

		Schedule 1 to the regulations
22(6)		Section 134AB of the Communications Act 2003
22(7)		Not required: this obligation falls on BEREC
Article 23	Consultation and transparency mechanism	
23(1)		Sections 48A, 49A, 60, 61, 72E, 80A, 102, 107, 107, and 403 of the Communications Act 2003 (as amended by Schedule 1 to the regulations); and sections 8C and 122, Schedule 1 paragraphs 4 and 7, and Schedule 2 paragraphs 3 and 6 of the Wireless Telegraphy Act 2006 (as amended by Schedule 1 to the regulations)
23(2)		Section 22 of the Communications Act 2003
23(3)		Sections 48A, 49A, 60, 61, 72E, 80A, 102, 107, 107, and 403 of the Communications Act 2003 (as amended by Schedule 1 to the regulations); and sections 8C and 122, Schedule 1 paragraphs 4 and 7, and Schedule 2 paragraphs 3 and 6 of the Wireless Telegraphy Act 2006 (as amended by Schedule 1 to the regulations)
23(4)		Sections 48A, 49A, 60, 61, 72E, 80A, 102, 107, 107, and 403 of the Communications Act 2003 (as amended by Schedule 1 to the regulations); and sections 8C and 122, Schedule 1 paragraphs 4 and 7, and Schedule 2 paragraphs 3 and 6 of the Wireless Telegraphy Act 2006 (as amended by Schedule 1 to the regulations)
Article 24	Consultation of interested parties	Sections 16, 48, 49 and 403 of the Communications Act 2003
Article 25	Out of Court dispute resolution	Sections 52 to 55 of the Communications Act 2003
Article 26	Dispute resolution between undertakings	
26(1)		Sections 3(3) and 185(1), 186, 187, 188 and 190 of the Communications Act 2003
26(2)		Section 186(2) and (3) of the Communications Act 2003
26(3)		Section 190 of the Communications Act 2003



26(4)		Section 188(7) of the Communications Act 2003
26(5)		Section 187(1) of the Communications Act 2003
Article 27(1), (2) and (4) to (6)	Resolution of cross-border disputes	Section 189 of the Communications Act 2003
27(3)		Not required - obligation falls on BEREC
Article 28	Radio spectrum coordination among Member States	
28(1) and (2)		Sections 3, 4, 5, and 22 of the Communications Act 2003
28(3)		Section 22 of the Communications Act 2003
28(4)		Not required - this obligation falls on the European Commission/RSPG
28(5)		Not required - obligation falls on the European Union
Article 29	Penalties	
29(1)		Sections 35A, 37, 41, 96, 96B, 110A, 112, 130, and 139 of the Communications Act 2003, and sections 32D, 35, 93, and 96 of the Wireless Telegraphy Act 2006
29(2)		Not required as the designation mechanism referred to at Article 22(3) is not being implemented
Article 30	Compliance with the conditions of the general authorisation or of rights of use for radio spectrum and for numbering resources and compliance with specific obligations	
30(1)		Sections 95, 96C, 103, 110, 123, 124T of the Communications Act 2003, and section 35 of the Wireless Telegraphy Act 2006
30(2)		Sections 95, 96C, 103, 110, 123, 124T of the Communications Act 2003, and section 35 of

		the Wireless Telegraphy Act 2006
30(3)		Sections 95, 96C, 103, 110, 123, 124T of the Communications Act 2003, and section 35 of the Wireless Telegraphy Act 2006
30(4)		Sections 95, 96C, 103, 110, 123, 124T of the Communications Act 2003, and section 35 of the Wireless Telegraphy Act 2006
30(5)		Sections 100, 101, 113 and 124 of the Communications Act 2003
30(6)		Sections 100, 101, 113 and 124 of the Communications Act 2003
30(7)		Sections 192 to 196 of the Communications Act 2003
Article 31	Rights of Appeal	
31(1)		Sections 192 to 196 of the Communications Act 2003
31(2)		Not required
31(3)		Sections 24, 25 and 188(7) and (8) of the Communications Act 2003
Article 32	Consolidating the internal market for electronic communications	Sections 4, 48A to 49C, 80B and 150A of the Communications Act 2003 as amended by paragraphs 13 to 18 and paragraph 60 of Schedule 1 to the regulations
Article 33	Procedure for the consistent application of remedies	Sections 48A to 49C and 150A of the Communications Act 2003 (as amended by paragraphs 13 to 18 and paragraph 60 of Schedule 1 to the regulations)
Article 34	Implementing Provisions	Section 4A of the Communications Act 2003
Article 35	Peer Review Process	
35(1)		Section 22 the Communications Act 2003
35(2)		Not required - obligation falls on RSPG
35(3)		Not required - obligation falls on RSPG

35(4)	Requires national regulatory authorities and competent authorities to provide explanations for draft measures relating to radio spectrum	Section 22 of the Communications Act 2003
35(5)		Not required - obligation falls on RSPG
35(6)		Not required - obligation falls on RSPG
35(7)		Not required - obligation falls on RSPG
35(8)		Not required - obligation falls on RSPG
35(9)		Not required - obligation falls on RSPG
36	Harmonised assignment of radio spectrum	Section 5 of the Communications Act 2003 and section 5 of the Wireless Telegraphy Act 2006
37	Joint authorisation process to grant individual rights of use for radio spectrum	UK legislation does not preclude joint authorisations. Ofcom's current powers under the Wireless Telegraphy Act 2006 are sufficient to allow for a joint authorisation process
Article 38	Harmonisation Procedures	
38(1)		Not required - most obligations fall on the European Commission and are not obligations for the UK. Those that are, are implemented by section 4A(2) and (3) of the Communications 2003
38(2)		Section 4A of Communications as amended by paragraph 4 of Schedule 1 to the regulations
38(3)		Not required - this obligation falls on the European Commission
38(4)		Not required - this obligation falls on the European Commission
38(5)		Not required - this obligation falls on the European Commission

38(6)		Not required - this obligation falls on the European Commission
Article 39		
39(1)		Not required -this obligation falls on the European Commission
39(2)		Sections 4(9)(a) and (b) and 4(10) of the Communications Act 2003 and section 4(9) (aa) (ab) and (ac) and 4(12) of Communications Act 2003 as amended by paragraph 3 of Schedule 1 to the regulations. Section 4(10)(a) is amended by paragraph 3 of Schedule 1 to the regulations
39(3)		Not required - this obligation falls on the European Commission and are not obligations for the UK
39(4)		Not required -this obligation falls on the European Commission and are not obligations for the UK
39(5)		Not required - this obligation falls on the European Commission and are not obligations for the UK
39(6)		Not required - this obligation falls on the European Commission
39(7)		Not required - this obligation falls on the European Commission and are not obligations for the UK
39(8)		Not required
Article 40	Security of network and services	Article 40 is largely implemented by sections 105A to 105D of the Communications Act 2003. The UK has introduced a Telecommunications (Security) Bill that will strengthen the regulation of the security of networks and services
Article 41	Implementation and enforcement	Article 41 is largely transposed by sections 105A to 105D of the Communications Act 2003. The UK has introduced a Telecommunications (Security) Bill that will strengthen the regulation of the security of networks and services
Article 42	Fees for rights of use for radio	

	spectrum and rights to install facilities	
42(1)		Sections 3 and 38 of the Communications Act 2003 and sections 3, 12 and 13 of the Wireless Telegraphy Act 2006
42(2)		Section 3 of the Communications Act 2003 and sections 3, 13 and 14 of the Wireless Telegraphy Act 2006
Article 43	Rights of way	
43(1)		Regulation 3 of the Electronic Communications and Wireless Telegraphy Regulations 2011 and sections 3 and 106 to 109 of the Communications Act 2003
43(2)		Section 106 of the Communications Act 2003 and section 1 read in conjunction with para 1 to 17 of the Schedule and section 3 of the Office of Communications Act 2002
Article 44	Co-location and sharing of network elements and associated facilities for providers of electronic communications networks	
44(1)		Sections 73, 107 and 109 of the Communications Act 2003
44(2)		Section 3 of the Communications Act 2003
Article 45	Management of radio spectrum	
45(1)		Sections 3(3), 4(9) and (10) and 22 of the Communications Act 2003 and sections 2(3) 3(2)(d) and Schedule 1(3) of the Wireless Telegraphy Act 2006
45(2)		Some provisions require no transposition as the obligation falls on the European Commission and Radio Spectrum Policy Group: other obligations implemented by sections 3(2)(a), 3(3), 3(4)(d) (e), 4(4) of the Communications Act 2003 and sections 3(2),8(3B), 9(7), 9ZA, 30 and Schedule 1 of the Wireless Telegraphy Act 200.
45(3)		General duties of Ofcom in sections 3 and 7 of the Communications Act 2003 and section 3 of the Wireless Telegraphy Act 2006

45(4)		Sections 4(6),4(6A) and 5 of the Communications Act 2003 and sections 5,9(8), 9ZA(1), 9ZA(2) of the Wireless Telegraphy Act 2006
45(5)		Sections 8B, 9ZA and 2(3) of the Wireless Telegraphy Act 2006
45(6)		Sections 8B(5) and 9ZA(7) of the Wireless Telegraphy Act 2006
45(7)		Section 9ZB of the Wireless Telegraphy Act 2006
Article 46	Authorisation of the use of radio spectrum	
46(1)		Sections 3(1), 3(2), 8, 9 and in particular 8(3B), 8(4) and 8(5), 9(7) of the Wireless Telegraphy Act 2006 and sections 3(2) and 3(3) of the Communications Act 2003. Also section 8(5)(ca) of the Wireless Telegraphy Act 2006 as amended by 80 of Schedule 1 to the regulations. Section 8(3A) is updated by paragraph 80 of Schedule 1 to the regulations
46(2)		Sections 3(2), 8(3B) and 9(7) of the Wireless Telegraphy Act 2006
Article 47	Conditions attached to individual rights of use for radio spectrum	
47(1)		Sections 3(2)(a) and 7 of the Communications Act 2003 and sections 3(2)(a), 9(7), 14 and Schedule 1 particularly paragraphs 1, 3, 6, 6A, 7 and 8 of the Wireless Telegraphy Act 2006. Also section 14(3C) as inserted by paragraph 83 of Schedule 1 to the regulations
47(2)		Sections 3(2D), 9, 14 and 19, 30 of the Wireless Telegraphy Act 2006. See in particular section 9(4)(ca) and (7A) of the Wireless Telegraphy Act 2006 as amended by paragraph 82 of Schedule 1 to the regulations
Article 48	Granting of individual rights of use for radio spectrum	
48(1)		Section 3 of the Communications Act 2003 and sections 3, 9, 14, 31 of the Wireless Telegraphy Act 2006. Section 9(1A) is amended by paragraph 82 of Schedule 1 to the regulations

48(2)		Schedule 1, paragraph 1(3) of the Wireless Telegraphy Act 2006
48(3)		Schedule 1, paragraph 1(4) of the Wireless Telegraphy Act 2006
48(4)		Section 14(3B) and Schedule 1, paragraphs 1, 3 and 4 of the Wireless Telegraphy Act 2006
48(5)		Section 30 of the Wireless Telegraphy Act 2006. Also through transposition of Article 45 and 51
48(6)		Section 31 of, and paragraph 2 of Schedule 1 to, the Wireless Telegraphy Act 2006
Article 49	Duration of rights	
49(1)		Transposed by sections 3 and 4 of the Communications Act 2003 and sections 3, 7 and 9(7) of the Wireless Telegraphy Act 2006
49(2)		Sections 3, 4 and 7 of the Communications Act 2003 and sections 3, 9 and 12 to 14 of the Wireless Telegraphy Act 2006, and Schedule 1 to that Act (in particular paragraphs 5, 6, 6A and 7)
49(3)		Section 9 of, and Schedule 1 to, the Wireless Telegraphy Act 2006
49(4)		Section 9 of, and Schedule 1 to, the Wireless Telegraphy Act 2006
Article 50	Renewal of individual rights of use for harmonised radio spectrum	
50(1)		Section 3 and 4 of the Communications Act 2003 and sections 3, 9 and 14 of, and paragraphs 5, 6, 6A and 7 of Schedule 1 to, the Wireless Telegraphy Act 2006
50(2)		Sections 3 and 4 of the Communications Act 2003 and sections 3 and 9(7) of the Wireless Telegraphy Act 2006
50(3)		Sections 3 and 7 of Communications Act 2003 and section 3 of, and paragraphs 6, 6A and 7 of Schedule 1 to, the Wireless Telegraphy Act 2006
50(4)		Sections 12, 13, 14 and 17 of the Wireless Telegraphy Act 2006

Article 51	Transfer or lease of individual rights of use for radio spectrum	
51(1)		Section 30 of the Wireless Telegraphy Act 2006 and Regulations 4,5 and 7 of the Wireless Telegraphy (Spectrum Trading) Regulations 2012. Section 30 is amended by paragraph 85 of Schedule 1 to the regulations. Also section 30A as inserted by paragraph 86 of that Schedule
51(2)		Section 30(3A) and 31 of the Wireless Telegraphy Act 2006. Section 31(3)(c) is amended by paragraph 87 of Schedule 1 to the regulations
51(3)		Sections 3 and 38 of the Communications Act 2003 and sections 30, 31 of the Wireless Telegraphy Act 2006
Article 52	Competition	
52(1)		Sections 3 and 4 Communications Act 2003, and sections 3 and 5 of the Wireless Telegraphy Act 2006
52(2) to (3)		Section 3 of the Communications Act 2003 and sections 3, 9,14,29, 30 Schedule 1 to the Wireless Telegraphy Act 2006
Article 53	Coordinated timing of assignments	Sections 3, 4, 4A and 7 of the Communications Act 2003 along with the Wireless Telegraphy Act 2006
Article 54	Coordinating timing of assignments for specific 5G bands	Sections 8, 9, and 4 of, and Schedule 1 to, the Wireless Telegraphy Act 2006
Article 55	Procedure for limiting the number of rights of use to be granted for radio spectrum	
55(1)		Section 3 and 4 of the Communications Act 2003 and sections 3, 29 and 122 of the Wireless Telegraphy Act 2006
55(2)		Section 3 of the Communications Act 2003 and sections 3, 14 and 29 of the Wireless Telegraphy Act 2006



55(3)		Section 3 of the Communications Act 2003 and section 122 of the Wireless Telegraphy Act 2006
55(4)		Section 14 of the Wireless Telegraphy Act 2006
55(5)		Section 3 of the Communications Act 2003 and sections 3 and 122 of the Wireless Telegraphy Act 2006
55(6)		Section 3 and 4 of the Communications Act 2003 and section 29(4) of the Wireless Telegraphy Act 2006
55(7)		Transposed by paragraphs 2(1) and (2) of Schedule 1 to the Wireless Telegraphy Act 2006
55(8)		Not required
Article 56	Access to radio local area networks	Section 4 of the Communications Act 2003 and section 8(3) of the Wireless Telegraphy Act 2006
Article 57	Deployment and operation of small-area wireless access points	In England, implemented through the Electronic Communications Code 2017 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); in Scotland, to be implemented through the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended); in Wales, implemented through the Town and Country Planning (General Permitted Development) Order 1995 (as amended); and in Northern Ireland, the relevant legislation is the Planning (General Permitted Development) Order (Northern Ireland) 2015 (as amended).
Article 58	Technical regulation on electromagnetic fields	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490271/BIS-16-15-directive-2015-1535-guidance.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490271/BIS-16-15-directive-2015-1535-guidance.pdf</a>
Article 59	General framework for access and interconnection	Nothing is required to ensure persons not restricted from negotiating access and interconnection
Article 60	Rights And Obligations Of Undertakings	Transposed by sections 45(3) and 51(1)(b) and (4) of the Communications Act 2003 section 51(2B) inserted by paragraph 19(4) of the regulations
Article 61	Powers and responsibilities of the national regulatory and other competent authorities with regard to access and	

	interconnection	
61(1)		Section 4(7) and (8), section 45(5) and section 73(2) of the Communications Act 2003
61(2)		Section 46(6)(a), 73(2), 74(1) and 74(2) of the Communications Act 2003
61(3)		Section 74(2A) and (2B) as inserted by paragraph 31 of Schedule 1 to the regulations
61(4)		Section 46(6)(ab) of the Communications Act 2003 (as amended by paragraph 11 of Schedule 1 to the regulations), by section 73(4A) of that Act (as amended by paragraph 30 of that Schedule), by section 74(2D) of that Act (as inserted by paragraph 31 of that Schedule), and by section 74A of that Act (as inserted by paragraph 32 of that Schedule)
61(5)		Sections 74B as of the Communications Act 2003 as inserted by paragraph 32 of Schedule 1 to the regulations
61(6)		Section 105 of the Communications Act 2003
Article 62	Conditional access systems and other facilities	
62(1)		Transposed by sections 73(5) and 75(2) of the Communications Act 2003
62(2)		Transposed by section 76 of the Communications Act 2003
62(3)		Transposed by sections 310 and 311 Communications Act 2003
62(4)		Transposed by section 76 of the Communications Act 2003
Article 63	Undertakings With Significant Market Power	Section 78 of the Communications Act 2003
Article 64	Procedure for the identification and definition of markets	
64(1)		Not required - this obligation falls on BEREC and the European Commission

64(2)		Not required - this obligation falls on the European Commission
64(3)		Section 79 of the Communications Act 2003
Article 65	Procedure for the identification of transnational markets	Section 83 of the Communications Act 2003 as amended by paragraph 38 of Schedule 1 to the regulations
Article 66	Procedure for the identification of transnational demand	Ofcom is required to take account of the Body of European Regulators for Electronic Communications directives/guidelines through Article 4(4) of Body of European Regulators for Electronic Communication Regulation 2018/1971
Article 67	Market Analysis Procedure	
67(1)		Section 79(2) of the Communications Act 2003, and section 79(2A) to (2C) of that Act, as inserted by paragraph 35 of Schedule 1 to the regulations
67(2)		Section 46(7) and (8) and the Electronic Communications (Market Analysis) Regulations 2003
67(3)		Sections 84(4) and 85(3) of the Communications Act 2003, and section 46(8A) of that Act, as inserted by paragraph 11(4) of Schedule 1 to the regulations
67(4)		Section 46(7) and (8) and 87 to 92
67(5)		Sections 83 and 84A of the Communications Act 2003, as amended by paragraph 40 of Schedule 1 to the regulations
Article 68	Imposition, Amendment Or Withdrawal Of Obligations	
68(1)		Sections 45 and 87 to 93 of the Communications Act 2003
68(2)		Sections 45 and 87 to 93 of the Communications Act 2003
68(3)		Section 46(7) and (8)(b) and 89 of the Communications Act 2003
68(4)		Sections 47 to 49 of the Communications Act 2003
68(5)		Section 50(2) of the Communications Act 2003

Article 69	Obligation of transparency	
69(1)		Section 45(7) and (8) and 87 to 89 of the Communications Act 2003
69(2) and (3)		Section 45(7) and (8), 46(7) and (8a) and 87(2) of the Communications Act 2003
69(4)		Not required - this obligation falls on BEREC
Article 70	Obligations of non-discrimination	Sections 45 and 87 of the Communications Act 2003
Article 71	Obligation of accounting separation	
71(1)		Sections 45 and 87 of the Communications Act 2003
71(2)		Section 135 of the Communications Act 2003
Article 72	Access to civil engineering	
72(1)		Sections 42(2) and 87 of the Communications Act 2003
72(2)		Section 87(3A) of the Communications Act 2003, as inserted by paragraph 41(2) of Schedule 1 to the regulations
Article 73	Obligations of access to, and use of, specific network elements and associated facilities	Sections 45(7) and (8) and 87 of the Communications Act 2003, as amended by paragraph 41 of Schedule 1 to the regulations
Article 74	Price control and cost accounting obligations	
74(1)		Sections 45(7) and (8), 87(9) and (10) and 88 of the Communications Act 2003, as amended by paragraphs 41 and 42 of Schedule 1 to the regulations
74(2)		Section 88(1)(b) and (4)(a) of the Communications Act 2003 as amended by paragraph 42 of Schedule 1 to the regulations
74(3)		Section 87(9)(d), (10) and 88(4)(b) of the Communications Act 2003

74(4)		Section 87(11) of the Communications Act 2003
Article 75	Termination Rates	Not required - this obligation falls on the European Commission and requires ongoing monitoring of Union-wide rates
Article 76	Regulatory treatment of new very high capacity network elements	
76(1)		Section 93B(1) and (3) of the Communications Act 2003, as inserted by paragraph 44 of Schedule 1 to the regulations
76(2)		Section 93B(4) of the Communications Act 2003, as inserted by paragraph 44 of Schedule 1 to the regulations
76(3)		Section 96A of the Communications Act 2003, as amended by paragraph 45 of Schedule 1 to the regulations, and by section 135 of that Act, as amended by paragraph 58(2) of that Schedule
76(4)		Not required - this obligation falls on BEREC
Article 77	Functional separation	Sections 45, 89, 89A and 89B of the Communications Act 2003
Article 78	Voluntary separation by a vertically integrated undertaking	Section 89C of the Communications Act 2003
Article 79	Commitments procedure	Sections 93A and 93B of the Communications Act 2003, as inserted by paragraph 44 of Schedule 1 to the regulations
Article 80	Wholesale-only undertakings	Section 91A of the Communications Act 2003, as inserted by paragraph 43 of Schedule 1 to the regulations
Article 81	Migration From Legacy Infrastructure	Sections 3, 4 and 45 to 47 of the Communications Act 2003
Article 82	BEREC guidelines on very high capacity networks.	Not required. This obligation falls on the Body of European Regulators for Electronic Communications
Article 83	Regulatory control of retail	Sections 45(7) and( 8) and 91 of the Communications Act 2003

	services	
Article 84	Affordable universal service	
84(1)		Section 65(1) of the Communications Act 2003 and orders made under that provision
84(2)		Section 65(2BA) of the Communications Act 2003, as inserted by paragraph 22(4) of Schedule 1 to the regulations
84(3)		Section 65(2B) of the Communications Act 2003
84(4)		Section 65(1) of the Communications Act 2003
84(5)		Section 65(2BB)(b) of the Communications Act 2003, as inserted by paragraph 22(4) of Schedule 1 to the regulations
Article 85	Provision of affordable universal service	
85(1)		Section 68(1) of the Communications Act 2003, and section 72C of that Act, as inserted by paragraph 29 of Schedule 1 to the regulations
85(2)		Section 45(2)(b)(ia) and (4A), section 46(5A) and sections 72C to 72I of the Communications Act 2003, as inserted by paragraphs 10, 11 and 29 of Schedule 1 to the regulations
85(3)		Section 72C of the Communications Act 2003, as inserted by paragraph 29 of Schedule 1 to the regulations
85(4)		Sections 72C to 72I of the Communications Act 2003, inserted by paragraph 29 of Schedule 1 to the regulations
85(5)		Section 10 and 72C to 72I of the Communications Act 2003 and orders made under section 65(1) of that Act
85(6)		Power to extend not exercised
Article 86	Availability of universal service	
86(1)		Section 45(4) and 65 to 68 of the Communications Act 2003

86(2)		Section 45(4) and 65 to 68 of the Communications Act 2003
86(3)		Sections 46(5) and 66 of the Communications Act 2003
86(4)		Sections 46(5) and 66 of the Communications Act 2003
86(5)		Section 67(1A) of the Communications Act 2003
Article 87	Status of the existing universal service	Sections 65(2BC) of the Communications Act 2003 (as inserted by paragraph 22(4) of Schedule 1 to the regulations), by section 72A of that Act and by Regulation 5 of those regulations
Article 88	Control of expenditure	Sections 45(4), 51, 65, 67, 68(3) and (4) of the Communications Act 2003
Article 89	Cost of universal service obligations	Transposed by section 70 of the Communications Act 2003, and by section 72G of that Act as inserted by paragraph 29 of Schedule 1 to the regulations
Article 90	Financing of universal service obligations	Transposed by sections 71 and 72 of the Communications Act 2003 and by sections 72H and 72I of that Act as inserted by paragraph 29 of Schedule 1 to the regulations
Article 91	Transparency	Section 70 and 72G of the Communications Act 2003 as inserted by paragraph 29 of Schedule 1 to the regulations
Article 92	Additional mandatory services	Not required
Article 93	Numbering resources	
93(1)		Sections 47(1) and (2), 56, 57, 58, 60 and 63 of the Communications Act 2003
93(2)		First paragraph implemented by section 59 of the Communications Act 2003. No transposition required in respect of second paragraph - obligation falls on BEREC
93(3)		Sections 47, 59, 60, 61 and 63(2) of the Communications Act 2003
93(4)		Sections 56(1) and (2), 58(1)(d) and 63 of the Communications Act 2003
93(5)		Section 56(1) and 60 of the Communications Act 2003
93(6)		Section 51 of the Communications Act 2003

93(7)		Sections 56(1), (2) and (4) and 60 of the Communications Act 2003
93(8)		Sections 4 and 4A of the Communications Act 2003
Article 94	Procedure for granting of rights of use for numbering resources	
94(1)		Sections 45 to 48, 58 and 63 of the Communications Act 2003
94(2)		Section 47(1) and (2), 56, 56A, 58, and 60(2) and 63 of the Communications Act 2003
94(3)		Section 58(4) of the Communications Act 2003
94(4)		Sections 45 to 48, 58 of the Communications Act 2003
94(5)		Sections 45 to 48, 56, 58, and 63(1) of the Communications Act 2003
94(6)		Sections 45 to 48, 58, 96A-96C, 61(3) and (4) of the Communications Act 2003
94(7)		Section 59 of the Communications Act 2003
Article 95	Fees for rights of use for numbering resources	Sections 45 to 48, 58(1)(g) and (h), and 58(6) of the Communications Act 2003
Article 96	Missing children and child helpline hotlines	
96(1)		Sections 45 to 48, 56, 57, 58, 60, 61, and 63 of the Communications Act 2003
96(2)		Sections 45 to 48, 51, 56, 57, 58, 60, 61, 63 of the Communications Act 2003
96(3)		Sections 56 and 63 of the Communications Act 2003
96(4)		Sections 26 and 56 of the Communications Act 2003
Article 97	Access to numbers and services	



97(1)	Cross cutting -: obliges member states, where feasible, to ensure end-users are able to access all numbers within the EU and access services using non-geographic numbers.	Sections 45 to 58 and 57(1) of the Communications Act 2003 along with Ofcom's general conditions
97(2)		Sections 45 to 48, 51(1), 51(2)(f) of the Communications Act 2003
Article 98	Exemption of certain microenterprises	Not required
99	Non-Discrimination	Section 51(2)(b) of the Communications Act 2003
Article 100	Fundamental rights safeguard	Section 51(2)(b) of the Communications Act 2003
Article 101	Level of harmonisation	Not required
Article 102	Information requirements for contracts	Sections 45 to 48 and 51 of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 102 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
102(6)		Transposition not required
102(7)		Transposition not required
Article 103	Transparency, comparison of offers and publication of information	Sections 26, 45 to 48, 51(1)(a) of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 103 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
103(4)		Transposition not required
Article 104	Quality of service related to internet access services and publicly available interpersonal	Sections 45 to 48, 51(1) and 135 to 137 of the Communications Act 2003. This provision is transposed by Ofcom using their existing powers to set general conditions under the Communications Act 2003

	communication services	
Article 105 (1) to (4)	Contract duration and termination	Sections 45 to 48 and 51 of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 105 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
105(5)		Consumer Rights Act 2015
105(6)		Sections 45 to 48 and 51 of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 105 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes. Section 124U(1) and (2) and 124W of the Communications Act 2003, as inserted by paragraph 54 of Schedule 1 to the regulations
105(7)		Section 124U(3) of the Communications Act 2003, as inserted by paragraph 54 of Schedule 1 to the regulations
Article 106	Provider switching and number portability	Sections 45 to 48 and 51 of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 106 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code'
Article 107	Bundled offers	
107(1)		Sections 45 to 48 and 51(1), (2)(ba) and (8) and (9) of the Communications Act 2003 (as inserted by paragraph 19 of Schedule 1 to the regulations) and by sections 124U(4) and 124W of that Act (as inserted by paragraph 54 of that Schedule). Ofcom consulted on making amendments to the relevant general conditions which implement Article 107 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
107(2)		Sections 124V and 124W of the Communications Act 2003, as inserted by paragraph 54 of Schedule 1 to the regulations

107(3)		Sections 45 to 48 and section 51(1), (2)(ba) and (8) and (9) of the Communications Act 2003, as inserted by paragraph 19 of Schedule 1 to the regulations. Ofcom consulted on making amendments to the relevant general conditions which implement Article 107 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
107(4)		Sections 45 to 48, section 51(1), (8) and (9) (as inserted by paragraph 19 of Schedule 1 to the regulations) and section 124U(4), as inserted by paragraph 54 of Schedule 1 to the regulations. Ofcom consulted on making amendments to the relevant general conditions which implement Article 107 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
107(5)		Transposition not required
Article 108	Availability of Services	Sections 45 to 48 and section 51(1)( of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 108 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
Article 109	Emergency communications and the single European emergency number	Sections 45 to 48 and section 51(1)(a) of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 109 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
Article 110	Public Warning System	Not implemented
Article 111	Equivalent access and choice for end-users with disabilities	Sections 45 to 48 and 51 of the Communications Act 2003. Ofcom consulted on making amendments to the relevant general conditions which implement Article 111 in its December 2019 Consultation entitled: 'Fair treatment and easier switching for broadband and mobile customers, Proposals to implement the new European Electronic Communications Code' and has published a statement confirming the changes
Article 112	Directory enquiry services	Sections 45 to 48 and section 51(1)(a) of the Communications Act 2003 and the General Conditions set by Ofcom

Article 113	Interoperability of car radio and consumer radio receivers and consumer digital television equipment	Regulation 22 of The Road Vehicles (Approval) Regulations 2020
Article 114	'Must carry' obligations	Sections 45 to 48 and 64 of the Communications Act 2003 and the General Conditions set by Ofcom
Article 115	Provision of additional facilities	Sections 45 to 48 and 51 of the Communications Act 2003 and the General Conditions set by Ofcom
Article 116	Adaptation of annexes	Not required - this is a power for the European Commission
Article 117	Exercise of the delegation	Not required - this is a power for the European Commission
Article 118	Committee	Not required - this obligation falls on the European Commission
Article 119	Exchange of information	Not required - this obligation falls on the European Commission
Article 120	Publication of information	
120(1) and (2)		To be dealt with administratively
120(3) to (6)		Sections 24 to 26, 48(1) and (6) of the Communications Act 2003
Article 121	Notification and monitoring	Sections 25 and 26 of the Communications Act 2003
Article 122	Review procedures	Not required – obligations fall on BEREC and the European Commission
Article 123	Specific review procedures on end user rights	Not required – obligations fall on BEREC and the European Commission
Article 124	Transposition	To be dealt with administratively
Article 125	Repeal	Not required
Article 126	Entry into force	Not required

Article 127	Addressees	Not required
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