
STATUTORY INSTRUMENTS

2016 No. 607

The Open Internet Access (EU Regulation) Regulations 2016

PART 3

REQUIREMENTS

Test for giving, modifying or withdrawing directions, approvals and consents for the purposes of a requirement imposed under regulation 7

- 12.—(1) This regulation applies where—
- (a) a requirement imposed under regulation 7 has effect by reference to directions, approvals or consents given by a person (whether OFCOM themselves or another); and
 - (b) that person (referred to in this regulation and regulations 13, 14 and 15 as “the responsible person”) is proposing to give a direction, approval or consent that affects the operation of that requirement or to modify or withdraw a direction, approval or consent so as to affect the requirement’s operation.
- (2) The responsible person must not give, modify or withdraw the direction, approval or consent unless the responsible person is satisfied that to do so is—
- (a) objectively justifiable in relation to the networks or services to which it relates;
 - (b) proportionate to what it is intended to achieve; and
 - (c) in relation to what it is intended to achieve, transparent.