



STATUTORY INSTRUMENTS.

S.I. No. 156 of 2010

COMMUNICATIONS (MOBILE TELEPHONE ROAMING)
(AMENDMENT) REGULATIONS 2010

(Prn. A10/0540)

COMMUNICATIONS (MOBILE TELEPHONE ROAMING)
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I, EAMON RYAN, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 46A (inserted by section 14 of the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007)) of the Communications Regulation Act 2002 (No. 20 of 2002) and for the purpose of giving full effect to Regulation (EC) No. 717/2007 of the European Parliament and of the Council of 27 June 2007¹, hereby make the following regulations:

1. These Regulations may be cited as the Communications (Mobile Telephone Roaming) (Amendment) Regulations 2010.

2. In these Regulations “Principal Regulations” means Communications (Mobile Telephone Roaming) Regulations 2007 (S.I. No. 792 of 2007).

3. Regulation 1 of the Principal Regulations is amended by substituting for paragraph (2) the following:

“(2) These Regulations cease to have effect on 30 June 2012.”.

4. Regulation 2 of the Principal Regulations is amended by substituting for the definition of “Mobile Phone Roaming Regulation”, the following:

“ ‘Mobile Phone Roaming Regulation’ means Regulation (EC) No. 717/2007 of the European Parliament and of the Council of 27 June 2007¹ as amended by Regulation (EC) No. 544/2009 of the European Parliament and the Council of 18 June 2009².”.

5. Regulation 6 of the Principal Regulations is amended—

(a) by substituting for paragraph (1) the following:

“(1) An undertaking—

(a) being the operator of a visited network, which fails to comply with its obligations under Article 3, 4a, 4c or 6a(4),

(b) being a home provider, which fails to comply with its obligations under Article 4, 4b, 4c, 6 or 6a, or

¹OJ No. L 171, 29.06.2007, p. 32

²OJ No. L 167, 29.06.2009, p 12

(c) which fails to comply with a requirement of the Regulator under Article 7(4) or (6),

of the Mobile Phone Roaming Regulation commits an offence and is liable on summary conviction to a fine not exceeding €5,000.”,

and

(b) by substituting for paragraph (4) the following:

“(4) Where the Regulator has made an application under Regulation 7 to the High Court to secure a person’s compliance with an obligation under Article 3, 4, 4a, 4b, 4c, 6 or 6a or a requirement under Article 7(4) or (6) of the Mobile Phone Roaming Regulation, the Regulator may not bring proceedings against the person for an offence under Regulation 6 or give a notice under section 44 of the Act of 2002 for failing to comply with the obligation or requirement.”.

6. Regulation 7 of the Principal Regulations is amended in paragraph (1) by substituting for subparagraphs (a) and (b) the following:

“(a) being the operator of a visited network, has failed to comply with its obligations under Article 3, 4a, 4c or 6a(4),

(b) being a home provider has failed to comply with its obligations under Article 4, 4b, 4c, 6 or 6a, or”.



GIVEN under my Official Seal,
18 April 2010.

EAMON RYAN,
Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to a legal interpretation.)

The purpose of these regulations is to give full effect to Regulation (EC) No. 717/2007 of the European Parliament and of the Council of 27 June 2007 as amended by Regulation (EC) No. 544/2009 of the European Parliament and the Council of 18 June 2009 amending Regulation (EC) No. 717/2007 of the European Parliament on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services.

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