



Department for  
Business, Energy  
& Industrial Strategy



Department for  
Digital, Culture,  
Media & Sport

# EU Exit Business Readiness Webinar: Mobile Roaming & Providing Services Online

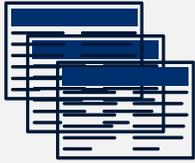


March 2019



Department for  
Business, Energy  
& Industrial Strategy

# Objectives for this webinar



Share the key information businesses need to prepare for Exit



Provide you with links to additional information on topics covered



Respond to your questions and gather your feedback

# We are here to share information to help you prepare for Exit

## Who we are

We are from the BEIS Business Intelligence and Readiness team

Our objective is to help businesses across sectors prepare for EU Exit

We are attending events across the UK and working with TAs

## Our aims for today



Provide an overview of key changes expected in 'No Deal'



Share sources to find more detailed information



Respond to your questions and gather your feedback

# Agenda for today

<b>1</b>	Welcome and Introductions	Benedict Shillito, BEIS	5 mins
<b>2</b>	Mobile Roaming	Richard Sullivan, DCMS	5 mins
<b>3</b>	eCommerce Directive	Abbie Gillgan, DCMS	10 mins
<b>4</b>	Geo-Blocking	Anthony Miller, BEIS	5 mins
<b>5</b>	.eu Domain Names	Iona Shaw, DCMS	5 mins
<b>7</b>	Q&A	All panellists	30 mins

Businesses  
need to  
prepare for  
every  
eventuality

Delivering the deal negotiated with the EU is the Government's top priority

However, as a responsible Government, we are preparing for every eventuality

Preparing for 'No Deal' is now an operational priority for the Government

Businesses should make sure they prepare and take action on their own 'No Deal' plans

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2	Mobile Roaming	Dan Tor, DCMS	5 mins
3	eCommerce Directive	Abbie Gillgan, DCMS	10 mins
4	Geo-Blocking	Anthony Miller, BEIS	5 mins
5	.eu Domain Names	Iona Shaw, DCMS	5 mins
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# Mobile data roaming: How things work today



There is surcharge-free mobile roaming in the EU - 'Roam Like at Home'.



Mobile operators have to apply a default financial limit for mobile data usage of €50 - customers must actively choose to spend more.



Operators need to send alert once device reaches 80% and 100% of agreed data limit.



# Surcharge free roaming no longer guaranteed



Three, EE, O2 & Vodafone have stated they have no current plans to reimpose roaming surcharges in the EU.



EU operators will be able to increase roaming charges on UK operators.



But government will ensure UK operators set limit for data roaming charges at £45 per month - customers must actively choose to spend more.



Operators must also continue to protect customers from inadvertent data usage with alerts.

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# eCommerce Directive: Summary of 'No Deal' policy

eCommerce regulations in a 'No Deal' scenario



To minimise disruption, the UK will continue to align with most of the provisions in the eCommerce Directive, including provisions on intermediary liability and general monitoring.

The exception is the “Country of Origin Principle” which will be removed from UK legislation.

Considerations for online service providers



Check for compliance issues resulting from the loss of the “Country of Origin Principle”.

Consider building on existing compliance processes.

# eCommerce Directive: How things work today



The eCommerce Directive (ECD) regulates certain legal aspects of “information society services” (ISS) across the EEA.



ISS include (but are not limited to):

- online retailers
- video sharing sites
- search tools
- social media platforms
- internet service providers



The ECD does not apply to non-commercial interactions, or the offline elements of online transactions (such as taxation). It also does not concern legal requirements relating to goods.



The ECD does not apply to matters now covered by the GDPR and e-Privacy Directive.

# The “Country of Origin Principle”



The “Country of Origin Principle” is a reciprocal arrangement so that an EEA-based ISS is only subject to certain laws (those which fall within the Directive’s “coordinated field”), in the EEA state in which it is established.



The Directive explains that the coordinated field covers “requirements relating to online activities such as online information, online advertising, online shopping [and] online contracting .”



The coordinated field does not include legal requirements related to goods themselves, such as safety standards and labelling.

# The Directive also sets the following rules for information society services



Limitations on the liability of intermediary service providers (conduits, or services who provide caching or hosting services) for information that they transmit or store.



Prohibitions on imposing ‘general monitoring’ obligations.



Prohibitions on imposing ‘prior authorisation’ requirements (e.g. licensing requirements pre start-up).



Regulations mandating certain information that must be displayed on sites, commercial communications (e.g. spam), electronic contracts and aspects of the online purchasing procedure.

# The eCommerce Directive in No Deal



The UK will continue to align with the provisions in the Directive. Including those on liability of intermediary service providers and general monitoring.



ISS established in the UK will cease to benefit from the “Country of Origin” principle when operating in EEA states. This means they will be required to adhere to the rules that govern online activities in each EEA state in which they operate.



HMG intends to fully remove the “Country of Origin Principle” from UK legislation, when parliamentary time allows.

# Further implications of No Deal



Removing this principle from UK legislation will bring EEA-based information society services in scope of UK laws from which they were previously exempt.



The requirement that UK-based information society services adhere to UK law falling within the ‘coordinated field’ when operating in the EEA will be removed.



Therefore UK-based information society services may not have to simultaneously adhere to UK and EEA requirements when providing services in EEA states after exit day.



UK legislation will continue to apply to UK-based information society services when they are providing services to users in the UK.

# Considerations for Internet Society Services

-  Consider checking for any compliance issues resulting from the loss of the Directive's Country of Origin principle. This will depend upon the nature of your online service(s), and the EEA markets that you operate in.
-  In some instances, ISS will already be compliant with the relevant rules in the EEA states in which they operate. This will depend on the nature of the online service.
-  Consider building on existing processes for ensuring compliance with the legal requirements relating to online activities in each individual EEA country.
-  Consider processes for ensuring ongoing compliance in the event that individual EEA states change their requirements governing online activities.

# Further considerations



Also consider determining your ‘place of establishment’. This should be considered in relation to each information society service your organisation provides (if it offers more than one).



ISS services established in the UK may be subjected to any such prior authorisation regimes which are established in EEA states and which operate with respect to ‘third country’ providers.

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# Geo-blocking: How things work today



Traders are prevented from blocking access to websites based on user location.



Prohibits discrimination based on nationality/ location when purchasing certain goods and services online.



Prohibits discrimination against a payment method solely based on place of issue in EU.



# Traders can treat EU and UK customers differently



The UK version of the Geo-Blocking Regulation would be repealed.



Traders will be able to differentiate between customers in the UK and EU e.g. a UK trader could offer different terms to a UK customer compared to a French customer.



UK traders must continue to comply with EU regulations prohibiting discrimination between customers in different members states if they want to operate in the EU.

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# .eu Domain Names: How things work today



Use of .eu top level domain (TLD) names is currently governed by the EU regulatory framework for the .eu TLD. EURid is the registry manager of the .eu TLD.



The following are currently eligible to register .eu domain names:

- Organisations established within the EEA
- Natural persons resident within the EEA
- Undertakings having their registered office, central administration or principal place of business within the EEA

# UK-based entities will not be able to register .eu domain names in a No Deal scenario



Undertakings and organisations that are **established in the UK but not in the EEA** and individuals who **reside in the UK**, will no longer be eligible to register .eu domains from 30 March 2019.



Existing .eu registrants will no longer be eligible to renew currently registered .eu domains.

# Existing UK-based entities may lose their .eu domain names in a No Deal scenario



UK registrants will receive emails from EURid on 23 March and 30 March 2019 informing them that their domain name is not compliant with the .eu regulatory framework.



UK registrants will be allowed to retain their domains until 30 May 2019, providing a grace period of two months after the date of the UK's exit from the EU. This period will allow UK registrants the opportunity to demonstrate their compliance.

# Existing UK-based entities may lose their .eu domain names in a No Deal scenario (cont.)



If .eu registrants are unable to prove their eligibility, these domains will be withdrawn on 30 May 2019.



They will not be available to any other entity for a further ten months (until 30 March 2020). In this time, UK registrants can have their .eu domain reactivated if they can demonstrate that they satisfy the eligibility criteria.



This means you may lose access to your .eu website or email.



If by 30 March 2020, the UK registrants cannot demonstrate that they meet the eligibility criteria, their domains will be revoked and will become available to potential registrants.

# Check your eligibility



Undertakings, organisations and individuals should read **Article 4(2)(b) of Regulation (EC) No 733/2002** and check if they are still eligible to hold a .eu TLD.



You may still satisfy the eligibility criteria if you have your registered office, central administration, or principal place of business within the EEA or are otherwise established within the EEA, or are a natural person resident in the EEA.

# Consider transferring top level domain names



If you currently hold a .eu domain name, you may wish to discuss transferring your registration to another top level domain with your local domain name registrar.



Examples of other top level domains include .co.uk, .com, .net or .org.



You may also wish to seek advice from your local domain name registrar on whether the terms of your contractual agreement provide for any recourse in the event of withdrawal or revocation of a .eu registration. You may also want to seek legal advice.

# Future changes to the eligibility criteria



New Regulations concerning the .eu top level domain are expected to be adopted in March / April 2019.



These will expand the eligibility criteria to allow EEA citizens to register a .eu domain name independently of their place of residence, 6 months after the regulation comes into force.



EEA citizens resident in the UK may therefore meet the eligibility requirement once this change comes into effect.

# Further advice and guidance on action to take

## Source of material in this section

Mobile roaming if there's no Brexit deal - Available [here](#)

Geo-blocking of online content if there's no Brexit deal- Available [here](#)

Guidance on .eu top level domain name registrations - Available [here](#)

EURid Brexit Notice - Available [here](#)

European Commission Notice to stakeholders - Available [here](#)

Guidance on the eCommerce Directive in the event of a 'no deal' EU exit - Available [here](#)

## Additional information beyond this presentation

There may be other issues not addressed in this material

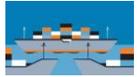
In some areas, policy content is still being developed

Please visit [gov.uk/euexit](https://www.gov.uk/euexit) for the latest information

## Preparing for Brexit: other webinars in the series

- Mon 11<sup>th</sup> March - 11-12 Workforce and People
- Tues 12<sup>th</sup> March - 10-11am Regulations and Standards
- Fri 15<sup>th</sup> March - 11-12 Digital and Data
- Mon 18<sup>th</sup> March - 1 - 2pm Importing and Exporting
- Tues 19<sup>th</sup> March - 12-1 Business Legal Requirements
- Wed 20<sup>th</sup> March - 11-12 Intellectual Property

# Annex 1: 'No Deal' theme specific primers



Importing, exporting and transporting



Operating in the EU



Regulation and standards for products and goods



European and domestic funding



Energy and climate



Using personal data



Employing EU citizens



Public sector procurement



Intellectual property

## Annex 2: 'No Deal' sector specific primers



[Aerospace](#)



[Automotive](#)



[Chemicals](#)



[Construction](#)



[Consumer goods](#)



[Retail](#)



[Space](#)



[Gas markets](#)



[Oil and gas production](#)



[Professional and business services](#)



[Electricity sector](#)



[Science, research and innovation](#)



[Electronics, machinery and parts](#)



[Steel and other metal manufacturing](#)



[Non metal manufacturing](#)

Send further questions on these and other issues to [sed@beis.gov.uk](mailto:sed@beis.gov.uk)

Please visit [euexit.campaign.gov.uk](http://euexit.campaign.gov.uk) for more information