

UK MINISTERS ACTING IN DEVOLVED AREAS

127 - Geo-Blocking (Revocation) (EU Exit) Regulations 2019

Laid in the UK Parliament: 14 March 2019

Sifting

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| Subject to sifting in UK Parliament? | No |
| Procedure: | Affirmative |
| Date of consideration by the House of Commons European Statutory Instruments Committee | N/A |
| Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee | Not known |
| Date sifting period ends in UK Parliament | N/A |
| Written statement under SO 30C: | Paper 27 |
| SICM under SO 30A (because amends primary legislation) | Not required |

Scrutiny procedure

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| Outcome of sifting | N/A |
| Procedure | Affirmative |
| Date of consideration by the Joint Committee on Statutory Instruments | Not known |
| Date of consideration by the House of Commons Statutory Instruments Committee | Not known |
| Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee | Not known |

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of the European Union (Withdrawal) Act 2018.

The term “geo-blocking” is used to describe the situation where traders discriminate against customers on the basis of the nationality or location of the customer, for example by automatically re-directing customers to country-specific versions of their website, with different terms and conditions.

These Regulations will revoke the “retained EU law” version of Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers’ nationality, place of residence or place of establishment within the external market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (the “Geo-Blocking Regulation”).

The Geo-Blocking Regulation prohibits certain forms of geo-blocking. This includes mandating access to all versions of a website in the EU, non-discrimination between EU customers when distance shopping, and non-discrimination as to the payment terms accepted.

In the event of a the UK leaving the EU without a deal, the Geo-Blocking Regulation would lose important elements of reciprocity necessary for it to function effectively in the UK. If the Geo-Blocking Regulation is not revoked, UK traders would continue to have obligations to EU customers under the Regulation, while UK customers would be unlikely to receive any of its benefits. To avoid the inequality in enforcement obligations in the EU's favour, the Geo-Blocking Regulation is to be revoked in the UK. These Regulations will also revoke the Geo-Blocking (Enforcement) Regulations 2018, which currently allows customers to pursue claims arising from the Geo-Blocking Regulation directly against traders. As the Geo-Blocking Regulation is being revoked, this provision will no longer be appropriate and therefore will also be revoked.

These revocations are being made in order to address deficiencies arising as a result of the UK's withdrawal from the EU.

Legal Advisers agree with the statement laid by the Welsh Government dated 29 March 2019 (laid on 20 March 2019) regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.