STATUTORY INSTRUMENTS

2018 No. 230

ELECTRONIC COMMUNICATIONS

The Public Regulated Service (Galileo) Regulations 2018

Made - - - -	*20th February 2018*
Laid before Parliament	*27th February 2018*
Coming into force - -	*1st October 2018*

The Secretary of State is a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to electronic communications.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Regulated Service (Galileo) Regulations 2018.

(2) These Regulations come into force on 1stOctober 2018.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

"Annex" means Annex to the PRS Decision;

"classified PRS information" means information related to the public regulated service which is—

(a) contained in a document which is protectively marked, or

(b) otherwise communicated,

(**1**) S.I. 2001/3495, to which there are amendments not relevant to these Regulations.
(**2**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), section 3(3) and Schedule, Part I.

in such manner as to indicate the appropriate level of confidentiality with which the information must be handled;

"compliance authority" means the Secretary of State;

"develop" includes research activity carried out for the purposes of development;

"document" includes information recorded in any form;

"Galileo programme" means the programme to establish and operate a global satellite navigation and positioning infrastructure specifically designed for civilian purposes as provided for in Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013(**3**);

"licence" means a licence granted under regulation 5;

"licence condition" means a condition under regulation 6 relating to a licence;

"occupier", in relation to premises, means any person considered by an officer of the compliance authority to be the occupier of the premises;

"officer of the compliance authority" means a person authorised by the compliance authority under regulation 3(3);

"official" means—

(a) in the case of a company, a director or a company secretary,

(b) in the case of a partnership, a partner or a person having control or management of the partnership business,

(c) in the case of a limited liability partnership, a member, or in Scotland, a person appointed in relation to the limited liability partnership as a judicial factor, and

(d) in the case of an unincorporated association, a person who is concerned in the management or control of its affairs;

"premises" includes a vehicle;

"product" means any tangible moveable item or data produced and supplied in digital form, including software;

"PRS Decision" means Decision (EU) No 1104/2011 of the European Parliament and of the Council on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme(**4**);

"PRS product" means any product which is related to the public regulated service;

"public regulated service" means the service which is—

(a) provided by the global navigation satellite system established under the Galileo programme, and

(b) restricted to a use authorised by government; and

"use" includes access and operation.

(**3**) OJ L 347, 20.12.2013, p1.
(**4**) OJ L 287, 4.11.2011, p1.

PART 2

Licensing

Competent authority

3.—(1) The compliance authority is designated as the competent authority for the purposes of managing and supervising the use of the public regulated service in accordance with the provisions of these Regulations and the PRS Decision.

(2) It is the duty of the compliance authority to monitor compliance with these Regulations in accordance with the requirements of the PRS Decision.

(3) The compliance authority may enforce these Regulations or authorise a person to enforce these Regulations on its behalf.

Prohibition of unlicensed activities

4.—(1) A person must not—

(a) use the public regulated service or any PRS product,

(b) develop or manufacture any PRS product,

(c) own or distribute any PRS product,

(d) export from the United Kingdom any PRS product,

(e) transfer from the United Kingdom to another member State(**5**) any PRS product, or

(f) handle classified PRS information,

except under the authority of a licence granted by the compliance authority under these Regulations or with the written consent of the compliance authority.

(2) In paragraph (1)(d) "export" means export in accordance with article 2(2) of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(**6**).

Grant of licence

5. The compliance authority may grant a licence to a person if the authority is satisfied that it is appropriate to do so having regard to the requirements of the PRS Decision, in particular Articles 3 to 5, 7 to 9, and 14 and the Annex.

Conditions of licence

6.—(1) The compliance authority may grant a licence for such period and subject to such conditions as it thinks fit and must specify in the licence the activity authorised by it.

(2) A licence may in particular contain conditions—

(a) requiring compliance with relevant common minimum standards covering the areas set out in the Annex,

(b) requiring the licensee to act in such a way as to preserve national security,

(c) requiring the licensee to protect classified PRS information in such manner as to ensure the information is kept securely and handled with the appropriate level of confidentiality,

(**5**) "member State" is defined in Part 2 of Schedule 1 to the European Communities Act 1972.
(**6**) OJ L 134, 29.5.2009, p1.

(d) in relation to the use of the public regulated service, a PRS product or classified PRS information,

(e) in relation to the type of technology that may be used to develop or manufacture a PRS product,

(f) permitting inspection by the compliance authority of the licensee's premises, and inspection and testing by the authority of a PRS product in the possession of the licensee,

(g) requiring the licensee to provide the compliance authority with such information, and within such period of time, as the compliance authority thinks fit concerning the licensee's activity in relation to a PRS product or classified PRS information,

(h) permitting the compliance authority to inspect and take copies of documents relating to the information required to be given to the authority,

(i) imposing restrictions on the licensee's activity in relation to the public regulated service, a PRS product or classified PRS information,

(j) relating to the transfer of a licence, and

(k) providing for termination or revocation of the licence in specified circumstances.

(3) The licensee must comply with any licence condition.

(4) The revocation, suspension or expiry of a licence does not affect the obligations of the licensee under the conditions of licence, including any obligations of confidence in relation to classified PRS information or other information obtained from the compliance authority under the licence.

PART 3

Enforcement

Enforcement action

7.—(1) If the compliance authority considers that a person is in breach of regulation 4 or a licence condition, the compliance authority may serve—

(a) a compliance notice on that person in accordance with regulation 8, or

(b) directions on that person in accordance with regulation 10(1).

(2) If the compliance authority is satisfied that a person is in breach of regulation 4 or a licence condition, the compliance authority may do one or more of the following—

(a) apply for an order against that person in accordance with regulation 12;

(b) apply for an order for forfeiture in accordance with regulation 13;

(c) revoke, suspend or vary any licence held by that person.

Compliance notice

8. A compliance notice—

(a) must state that the compliance authority considers that the person is in breach of regulation 4 or a licence condition,

(b) must set out the reasons why the compliance authority is of that view, and

(c) must state that the person may make representations in writing to the compliance authority on the matters set out in the notice within a period of 14 days beginning with the date on which the notice was served.

Enforcement notice

9.—(1) If written representations are made within the period specified under regulation 8(c), the compliance authority must consider the representations and may decide—

(a) to revoke the compliance notice and serve notice of such revocation on the person on whom the compliance notice has been served, or

(b) to serve an enforcement notice on such person.

(2) The enforcement notice must set out the reasons why the compliance authority considers the person is in breach of regulation 4 or a licence condition.

(3) The enforcement notice must specify a date by which the person to whom the notice is given must—

(a) cease any activity in breach of regulation 4,

(b) comply with a licence condition, or

(c) submit a proposal to ensure compliance with these Regulations.

(4) Where a person submits a proposal in accordance with paragraph (3)(c), the compliance authority must consider the proposal and, if the authority agrees with the proposal, the authority may set a date by which the proposal is to be implemented.

(5) If the compliance authority disagrees with the proposal, it must set out the measures or any additional measures required for compliance and set a date by which the measures must be implemented.

(6) If the compliance authority is satisfied that compliance measures have been implemented and the enforcement notice has been complied with, it may—

(a) revoke the enforcement notice and give notice of the revocation to the person on whom the enforcement notice was served, or

(b) specify additional requirements to ensure continued compliance.

Power of directions

10.—(1) The compliance authority may serve on a person such directions as appear to the compliance authority necessary to secure one or more of the following—

(a) the cessation of any activity in breach of regulation 4;

(b) compliance with a licence condition;

(c) compliance with these Regulations.

(2) A person on whom directions are served must comply with the directions.

(3) The compliance authority may revoke directions served under paragraph (1) by serving a notice of the revocation on the person.

Enforcing compliance

11. If the compliance authority is satisfied that a person—

(a) has not made any written representations, within the period set out in regulation 8(c), in response to a compliance notice served under regulation 7(1)(a),

(b) continues to be in breach of regulation 4 after the date set in an enforcement notice issued in accordance with regulation 9(3)(a),

(c) continues to be in breach of a licence condition after the date set in an enforcement notice issued in accordance with regulation 9(3)(b),