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# General Conditions of Entitlement

## Minor Modification to Condition A1.2

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**STATEMENT:**

Publication Date: 15 December 2022

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# 1. Overview

This statement sets out our decision, without consultation, to make a minor modification to the obligation to negotiate interconnection set out in General Condition A1.2 of our General Conditions of Entitlement.

## **What we have decided – in brief**

We have removed from General Condition A1.2 geographical referencing both to the United Kingdom and the European Union.

That referencing relates to the location of a provider of a public electronic communications network seeking to negotiate interconnection with another such provider. This change will remove any perceived ambiguity that the European Union has any different status to any other country that is not part of the United Kingdom, since the United Kingdom's departure from the EU.

The overview section in this document is a simplified high-level summary only. The decision we have taken and our reasoning are set out in the full document.

## 2. Background to General Condition A1.2

### Introduction

- 2.1 Our decision and reasons why we now consider it appropriate to modify General Condition A1.2 (“**GC A1.2**”) are set out in section 3.
- 2.2 To understand the context behind that decision, this section explains:
- the nature of the obligation imposed by GC A1.2;
  - the history of the EU law obligation to negotiate interconnection; and
  - the Government’s approach to retained EU law.

### The obligation to negotiate interconnection under GC A1.2

- 2.3 The General Conditions of Entitlement<sup>1</sup> are one type of regulatory conditions imposed by Ofcom that contains provisions authorised or required by one or more of sections 51, 52, 57, 58 or 64 of the Communications Act 2003 (the “**Act**”).
- 2.4 Those conditions may be applied generally to every person providing an electronic communications network or electronic communications service—that is to say a communications provider (commonly shortened to “**CP**”)—or to every CP providing such a network or service of a particular description specified in the condition.<sup>2</sup>
- 2.5 One of the matters which those conditions may relate to are “*conditions making such provision as OFCOM consider appropriate for securing service interoperability and for securing, or otherwise relating to, network access*”<sup>3</sup>. However, that power<sup>4</sup> does not include power to set conditions containing provision which under section 73, or sections 87 to 91, of the Act must be or may be included, in a case in which it appears to Ofcom to be appropriate to do so, in an access-related condition or SMP condition.
- 2.6 GC A1.2 is one of the general conditions that Ofcom has imposed under that power to implement EU law (see history below). It provided (prior to this statement):

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<sup>1</sup> <https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/telecoms-competition-regulation/general-conditions-of-entitlement>

<sup>2</sup> Section 46(2) of the Act.

<sup>3</sup> Section 51(1)(b) of the Act.

<sup>4</sup> Section 51(4) of the Act.

Any **Regulated Provider** shall, to the extent requested by any other provider of a **Public Electronic Communications Network** in any part of the United Kingdom or European Union, negotiate with that provider with a view to concluding an agreement for **Interconnection** (or an amendment to an existing agreement for **Interconnection**) within a reasonable period.

- 2.7 The concept of ‘Regulated Provider’ has the meaning given to it in the “Scope” section of each Condition in which it is used.<sup>5</sup> In the case of GC A1.2, it applies<sup>6</sup> to any person who provides a Public Electronic Communications Network (commonly shortened to “**PECN**”).<sup>7</sup> In other words, pursuant to section 46(2)(b) of the Act, GC A1.2 only applies to every CP providing a network of a particular description specified in the condition, namely PECNs.
- 2.8 As regards to the nature of the obligation in GC A1.2, the Court of Justice of the European Union (“**CJEU**”) has ruled<sup>8</sup> on the corresponding EU law obligation (see history below) that GC A1.2 seeks to implement, namely that:
- interconnection refers to the physical and logical linking of public communications networks, which is a specific type of access implemented between public network operators<sup>9</sup>;
  - the obligation to negotiate concerns only the interconnection of networks, to the exclusion of other forms of network access (see, to that effect, Case C-227/07 *Commission v Poland* [2008] ECR I-0000, paragraph 36), and applies only to operators of public communications networks with respect to other operators of public communications networks;<sup>10</sup>
  - the obligation to negotiate is independent of whether the undertaking concerned has significant market power, and does not entail the obligation to conclude an interconnection agreement, but merely an obligation to negotiate such an agreement;<sup>11</sup>
  - the negotiations are to be carried out in good faith;<sup>12</sup>
  - national regulatory authorities have the power to intervene in the absence of agreement in order to secure the objectives laid down in the EU regulatory framework.<sup>13</sup>
- 2.9 The very fact that the obligation in GC A1.2 is merely an obligation to negotiate interconnection in good faith, and not one requiring or guaranteeing that an

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<sup>5</sup> See the Definitions section at the end of the General Conditions of Entitlement.

<sup>6</sup> GC A1.1(a).

<sup>7</sup> A PECN means an electronic communications network provided wholly or mainly for the purpose of making electronic communications services available to members of the public: see the Definitions section at the end of the General Conditions of Entitlement.

<sup>8</sup> See the CJEU’s Judgment of 12 November 2009 in Case C-192/08, *TeliaSonera Finland Oyj*.

<sup>9</sup> Paragraph 32 of the CJEU’s Judgment.

<sup>10</sup> Paragraph 34 of the CJEU’s Judgment.

<sup>11</sup> Paragraph 36 of the CJEU’s Judgment.

<sup>12</sup> Paragraph 53 of the CJEU’s Judgment.

<sup>13</sup> Paragraph 52 of the CJEU’s Judgment.

interconnection agreement is concluded, means that it is of a different nature to other regulatory conditions imposed by Ofcom.

- 2.10 We consider that interconnection is largely a functioning market in the United Kingdom. We have, however, intervened to impose conditions on BT in relation to Wholesale Call Termination (“WCT”) interconnection, and to impose an access condition on all providers of WCT interconnection, to address specific competition problems arising in that context.<sup>14</sup> Since doing so, we have not received any formal complaints regarding the interconnection market.

## The history of the EU law obligation to negotiate interconnection

- 2.11 The history of the obligation to negotiate interconnection goes back to the 1990s.

### The EC’s ONP regulatory framework

- 2.12 Article 4(1) of the so-called Interconnection Directive<sup>15</sup> provided:

1. Organizations authorized to provide public telecommunications networks and/or publicly available telecommunications services as set out in Annex II shall have a right and, when requested by organizations in that category, **an obligation to negotiate interconnection** with each other for the purpose of providing the services in question, in order to ensure provision of these networks and services **throughout the Community**. On a case-by-case basis, the national regulatory authority may agree to limit this obligation on a temporary basis and on the grounds that there are technically and commercially viable alternatives to the interconnection requested, and that the requested interconnection is inappropriate in relation to the resources available to meet the request. Any such limitation imposed by a national regulatory authority shall be fully reasoned and made public in accordance with Article 14 (2). (emphasis added)

- 2.13 That EU law obligation was implemented by regulation 3 of the Telecommunications (Interconnection) Regulations 1997 (SI 1997/2931) as follows:

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<sup>14</sup> See Ofcom’s Statement entitled ‘*Wholesale Voice Markets Review 2021-26*’, 30 March 2021:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0029/216794/statement-2021-26-wholesale-voice-markets-review.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0029/216794/statement-2021-26-wholesale-voice-markets-review.pdf)

<sup>15</sup> Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP).

#### The Obligation to Interconnect

3.—(1) A relevant licence shall include a provision imposing an obligation on the Licensee to negotiate interconnection when requested by another such Public Operator, or, where the relevant licence authorises connection to telecommunication systems or telecommunication apparatus outside the United Kingdom, by a European Public Operator. (2) [...]

## The EU's 2002 regulatory framework

- 2.14 Four subsequent EC directives, one of which was the Access Directive<sup>16</sup>, sought to further converge and harmonise communication regulation throughout the Community. Those directives required the United Kingdom to change the way electronic communications networks and services were regulated from 25 July 2003. In particular, they repealed the licensing regime for telecommunications systems in the United Kingdom under the Telecommunications Act 1984.
- 2.15 One key change was that the need to obtain a licence prior to operating a telecommunication system was to be replaced by a general authorisation to provide electronic communications networks and services. The new way of regulating in the United Kingdom was continued by imposing regulatory conditions, such as the general conditions.
- 2.16 One of the general conditions contained an obligation on providers of public electronic communications networks to negotiate interconnection agreements with each other. It provided in General Condition 1.1 (as from 25 July 2003):

#### Obligation to Negotiate Interconnection

1.1 The Communications Provider shall, to the extent requested by another Communications Provider **in any part of the European Community**, negotiate with that Communications Provider with a view to concluding an agreement (or an amendment to an existing agreement) for Interconnection within a reasonable period. (emphasis added)

- 2.17 That obligation sought to implement Article 4(1) of the Access Directive, which provided:

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<sup>16</sup> Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive).

1. Operators of public communications networks shall have a right and, when requested by other undertakings so authorised, an obligation to negotiate interconnection with each other for the purpose of providing publicly available electronic communications services, in order to ensure provision and interoperability of services **throughout the Community**. Operators shall offer access and interconnection to other undertakings on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles 5, 6, 7 and 8. (emphasis added)

2.18 The importance of the geographical referencing in that Article to “*throughout the Community*” was reinforced by recital (5) of the Access Directive’s preamble, which stated:

(5) In an open and competitive market, there should be no restrictions that prevent undertakings from negotiating access and interconnection arrangements between themselves, **in particular on cross-border agreements**, subject to the competition rules of the Treaty. In the context of achieving a more efficient, **truly pan-European market**, with effective competition, more choice and competitive services to consumers, undertakings which receive requests for access or interconnection should in principle conclude such agreements on a commercial basis, and negotiate in good faith. (emphasis added)

2.19 In other words, the political ambition at that stage was to achieve a pan-European market for telecommunications, which is why it was also important to expressly reflect that geographical referencing also in the above-mentioned General Condition 1.1.

## The EU’s revised 2009 regulatory framework

2.20 From 26 May 2011, Article 4(1) of the Access Directive was replaced by the so-called Better Regulation Directive<sup>17</sup>, so that it read:

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<sup>17</sup> Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services.



1. Operators of public communications networks shall have a right and, when requested by other undertakings so authorised in accordance with Article 4 of Directive 2002/20/EC (Authorisation Directive), an obligation to negotiate interconnection with each other for the purpose of providing publicly available electronic communications services, in order to ensure provision and interoperability of services **throughout the Community**. Operators shall offer access and interconnection to other undertakings on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles 5 to 8. (emphasis added)

## The current European Electronic Communications Code (EECC)

2.21 In December 2018, the European Electronic Communications Code (“**EECC**”), an EU Directive<sup>18</sup>, updated the regulatory framework for electronic communications services, with an implementation date of 21 December 2020. Although the UK left the EU on 31 January 2020, under the terms of the Withdrawal Agreement, the UK remained under an obligation to implement the EECC into domestic law. The UK Government made changes to the Act to implement various requirements of the EECC into domestic law and, as a result, Ofcom made changes to its general conditions to implement some EECC provisions.

2.22 Article 60(1) of the EECC retained the obligation to negotiate interconnection as follows:

1. Operators of public electronic communications networks shall have a right and, when requested by other undertakings so authorised in accordance with Article 15, an obligation to negotiate with each other interconnection for the purpose of providing publicly available electronic communications services, in order to ensure provision and interoperability of services **throughout the Union**. Operators shall offer access and interconnection to other undertakings on terms and conditions consistent with obligations imposed by the national regulatory authority pursuant to Articles 61, 62 and 68. (emphasis added)

2.23 Article 15 of the EECC also retained a minimum list of rights derived from the general authorization, including in Article 15(2)(a) where it provided:

2. Where such undertakings provide electronic communications networks or services to the public, the general authorisation shall give them the right to: (a) negotiate interconnection with and, where applicable, obtain access to, or interconnection from, other providers of public electronic communications networks or publicly available electronic communications services **covered by a general authorisation in the Union** in accordance with this Directive; [...]. (emphasis added)

2.24 Article 59 of the EECC also lays down a general framework for access and interconnection, which explains in Article 59(1):

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<sup>18</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.

1. Member States shall ensure that there are no restrictions which prevent **undertakings in the same Member State or in different Member States from negotiating between themselves** agreements on technical and commercial arrangements for access or interconnection, **in accordance with Union law**. The undertaking requesting access or interconnection does not need to be authorised to operate in the Member State where access or interconnection is requested, if it is not providing services and does not operate a network in that Member State. (emphasis added)

2.25 Those Articles were accompanied by the following recitals:

(48) It is necessary to include the rights and obligations of undertakings under general authorisations explicitly in such authorisations in order to ensure a level playing field **throughout the Union** and to facilitate **cross-border negotiation of interconnection** between public electronic communications networks.

(49) General authorisations entitle undertakings providing electronic communications networks and services to the public to negotiate interconnection under the conditions of this Directive. Undertakings providing electronic communications networks and services other than to the public can negotiate interconnection on commercial terms.

(143) In an open and competitive market, there should be no restrictions that prevent undertakings from negotiating access and interconnection arrangements between themselves, in particular on cross-border agreements, subject to the competition rules laid down in the TFEU. In the context of achieving a more efficient, **truly pan-European market**, with effective competition, more choice and competitive services to end-users, undertakings which receive requests for access or interconnection from other undertakings that are subject to general authorisation in order to provide electronic communications networks or services to the public should in principle conclude such agreements on a commercial basis, and negotiate in good faith. (emphasis added)

2.26 In other words, it is clear from this history that the EU law obligation to negotiate interconnection is intended to facilitate cross-border negotiation of interconnection between public electronic communications networks throughout the EU, and moreover between those covered by a general authorisation in the EU, to achieve a pan-European market. Those objectives no longer apply in the United Kingdom, since its departure from the EU.

2.27 When we made changes to our general conditions to implement some EECC provisions, we amended GC A1.2 so that it now refers to PECN providers located in any part of the United Kingdom or European Union, and not just in the EU (as it read before). We explained that this was necessary because, if we would not amend it in that way, it would no longer apply in relation to CPs located in the United Kingdom once the United Kingdom left the EU.<sup>19</sup>

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<sup>19</sup> See Ofcom's Consultation entitled '*Consultation on proposed changes to the General Conditions and Numbering Plan*', 12 February 2019: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0025/136069/Consultation-Proposed-changes-to-the-Ofcom-General-Conditions-and-National-Telephone-Numbering-Plan.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0025/136069/Consultation-Proposed-changes-to-the-Ofcom-General-Conditions-and-National-Telephone-Numbering-Plan.pdf)

## The Government's approach to retained EU law (REUL)

- 2.28 The Government has announced that all retained EU law will expire on 31 December 2023. Departments are therefore carrying out an audit of REUL impacting their areas of responsibility, and identify where REUL should be removed, replaced or updated.
- 2.29 To achieve this overhaul of domestic law, the Retained EU Law (Revocation and Reform) Bill<sup>20</sup> was presented to the House of Commons for its first reading on Thursday 22 September 2022.
- 2.30 As the United Kingdom is no longer a member of the EU and EU directives have ceased to have direct effect in the United Kingdom, we no longer have any jurisdiction in relation to EU-based CPs (including PECN providers) who do not provide services to UK consumers.
- 2.31 We therefore consider that this is an appropriate opportunity to remove the unnecessary geographical referencing to the EU in GC A1.2, something which is also in line with the Government's approach to REUL.

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<sup>20</sup> <https://bills.parliament.uk/bills/3340>.

## 3. Our modification to General Condition A1.2

### Our decision and reasoning

- 3.1 We have decided, without consultation, that the words “*in any part of the United Kingdom or European Union*” are to be removed from GC A1.2 with immediate effect. Our legal instrument containing that modification is published in Annex 1. Our modification to GC A1.2 is also made accessible in Annex 2 for readers having difficulties with reading this statement in PDF format.
- 3.2 We have explained the background to that decision in section 2. Our reasons for making this modification are, in short, that it is now appropriate to remove the unnecessary geographical referencing to the EU in GC A1.2. In particular, as explained, in section 2, the EU’s policy objectives for the obligation to negotiate interconnection no longer apply in the UK since the UK’s departure from the EU following the IP completion date and the EU Directives ceased to have direct effect from that day.
- 3.3 Given this change, we can remove not only the geographical referencing to the EU in GC A1.2 but also the words “*in any part of the United Kingdom*”. This is because, as a matter of applying general principles of statutory interpretation, the territorial application of an enactment (together with any regulatory conditions, such as GC A1.2 made under an enactment) would normally apply to all persons and matters within the United Kingdom territory. We consider that this decision satisfies the test for modifying conditions set out in section 47(2) of the Act (which must be met where we seek to modify a general condition), namely that our modification to GC A1.2 is:
- objectively justifiable and proportionate, as it is a minor change to the condition which aims to simply tidy up the language and remove unnecessary geographical referencing, without changing its territorial application under the law. The condition will, however, continue to impose an obligation to negotiate interconnection in relation to UK-based PECN providers;
  - not unduly discriminatory, as the condition applies equally to all PECN providers falling within the relevant definition of regulated providers for the condition; and
  - transparent, as the modified condition is clear in relation to what is intended to achieve.
- 3.4 In that regard, we also consider that this modification secures that our regulation does not involve the maintenance of burdens which have become unnecessary in line with our duties to review regulatory burdens under section 6 of the Act.
- 3.5 Overall, we have considered and acted in accordance with our general duties in section 3 of the Act and the six requirements set out in section 4 of the Act. In performing our general duties, we are also required<sup>21</sup> to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, as well as any other principles appearing

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<sup>21</sup> Section 3(3) of the Act.

to us to represent best regulatory practice.<sup>22</sup> We consider that our modification is consistent with those principles. We have also had regard to the Government’s Statement of Strategic Priorities<sup>23</sup> in making this decision, as required by section 2B of the Act.

## Likely insignificant impact of our modification

- 3.6 Our modification to GC A1.2 does not impact on the territorial application of the condition that it already has under the law, but it merely removes the unnecessary geographical referencing. As such, our modification simply seeks to tidy up the relevant language by removing any perceived ambiguity that the EU has any different status to any other country that is not part of the United Kingdom, since the United Kingdom’s departure from the EU.
- 3.7 Given our view that our modification is unlikely to have any significant impact on a market, we have decided on this occasion to make this modification without the need for any consultation, as permitted by section 48A(1)(b) of the Act.
- 3.8 For those reasons, we also consider that this modification is not likely to have a significant effect on businesses or the general public, nor would it be a major change in Ofcom’s activities, requiring us to carry out a detailed impact assessment. We have, however, considered whether our decision would have a particular impact on persons sharing protected characteristics (race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief), and in particular whether our decision may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998. We consider that our decision would not have a detrimental impact on any particular group of people.

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<sup>22</sup> Our regulatory principles can be found at [What is Ofcom](#).

<sup>23</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/952627/SSP\\_-\\_as\\_designated\\_by\\_S\\_of\\_S\\_V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952627/SSP_-_as_designated_by_S_of_S_V2.pdf)

# A1. Statutory notification: Modified General Condition A1.2

## NOTIFICATION OF MODIFICATIONS TO GENERAL CONDITION A1.2 IN ACCORDANCE WITH SECTION 48(1) AND PURSUANT TO OFCOM'S POWERS UNDER SECTION 51(1)(b) OF THE COMMUNICATIONS ACT 2003

### BACKGROUND

- A. The General Conditions of Entitlement<sup>24</sup> (individually referred to as a General Condition or simply as a “**GC**”) are one type of regulatory conditions imposed by Ofcom that contains provisions authorised or required by one or more of sections 51, 52, 57, 58 or 64 of the Communications Act 2003 (the “**Act**”). One of the matters which those conditions may relate, pursuant to section 51(1)(b) of the Act, are “*conditions making such provision as OFCOM consider appropriate for securing service interoperability and for securing, or otherwise relating to, network access*”.
- B. This Notification concerns the obligation to negotiate interconnection imposed by GC A1.2 on any person who provides a so-called ‘Public Electronic Communications Network’, pursuant to the power conferred on Ofcom by section 51(1)(b) of the Act.
- C. On 17 December 2020, following consultation, Ofcom published a statement entitled ‘*Implementing the new European Electronic Communications Code — Changes to the General Conditions, Metering and Billing Direction and the National Telephone Numbering Plan*’ setting out various decisions in relation to the GCs.<sup>25</sup> In Annex 1 to that statement, Ofcom published its notification to implement those decisions, including modifications to GCA1.2 by inserting the words “United Kingdom or” with effect on IP completion day (see Schedule 1 to the notification).
- D. For reasons explained in the statement accompanying this Notification, Ofcom has explained why its decision to modify GCA1.2 set out below is unlikely to have any significant impact on a market. Ofcom has therefore decided to make the modifications under this Notification without the need for any consultation, as permitted by section 48A(1)(b) of the Act.

### DECISION

1. Ofcom hereby decides, in accordance with section 48(1) and pursuant to Ofcom’s powers under section 51(1)(b) of the Act, to modify GC A1.2 by deleting the words “*in any part of the United Kingdom or European Union*”. Those modifications take immediate effect on the publication of this Notification.
2. The effect of, and Ofcom’s reasons for making this decision, are set out in the statement accompanying this Notification.

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<sup>24</sup> <https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/telecoms-competition-regulation/general-conditions-of-entitlement>

<sup>25</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/209504/eccc-statement-dec-20.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/209504/eccc-statement-dec-20.pdf)

## OFCOM'S DUTIES AND LEGAL TESTS

3. Ofcom is satisfied that this decision satisfies the test for modifying conditions in section 47 of the Act.
4. In making this decision, Ofcom has considered and acted in accordance with its general duties in section 3, and its specific duties under section 4, of the Act. Ofcom has also had regard to the Government's Statement of Strategic Priorities<sup>26</sup> in making this decision, as required by section 2B of the Act.
5. A copy of this Notification has been sent to the Secretary of State in accordance with sections 24A(1) and 48C(1) of the Act.

## INTERPRETATION

6. Except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them in this Notification and otherwise any word or expression shall have the same meaning as it has been ascribed for the purpose of GC A1.2.
7. In this Notification—
  - a) "**Act**" means the Communications Act 2003;
  - b) "**GC**" has the meaning given to it in **recital (A)** to this Notification; and
  - c) "**Ofcom**" means the Office of Communications.
8. For the purposes of interpreting this Notification—
  - a) headings and titles shall be disregarded;
  - b) expressions cognate with those referred to in this Notification shall be construed accordingly; and
  - c) the Interpretation Act 1978 (c. 30) shall apply as if this Notification were an Act of Parliament.

Signed by



**Brian Potterill**

**Director of Mobile Network Strategy Networks and Communications Group**

*A person duly authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002*

**15 December 2022**

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<sup>26</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/952627/SSP - as designated by S of S\\_V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952627/SSP_-_as_designated_by_S_of_S_V2.pdf)

## A2. Accessibility of modification to General Condition A1.2

### Introduction

- A2.1 We have published in Annex 1 our statutory notification specifying in it our modification to GC A1.2.
- A2.2 We have marked up below the text of the existing GC A1.2 to show the textual changes which we have made to its substance in yellow highlighted strikethrough text in black.
- A2.3 Documents published in PDF form (such as in this statement) might make our marked up more difficult to read for some people (including those visually impaired). We seek in this Annex to make our modification to GC A1.2 accessible also for such readers in line with the accessibility requirements set out in the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. For the avoidance of doubt, if anything in this Annex is in conflict with, or inconsistent with, our statutory notification published in Annex 1, the modification in that notification shall prevail.

### Our marked up textual changes to GC A1.2

- A2.4 The words “in any part of the United Kingdom or European Union” in GC A1.2 have been deleted between the words “...other provider of a Public Electronic Communications Network” and “, negotiate with that provider...”, as follows:

Any **Regulated Provider** shall, to the extent requested by any other provider of a **Public Electronic Communications Network** ~~in any part of the United Kingdom or European Union~~, negotiate with that provider with a view to concluding an agreement for **Interconnection** (or an amendment to an existing agreement for **Interconnection**) within a reasonable period.

### Clean version of the new GC A1.2

- A2.5 Following our modification to GC A1.2, it now reads:

Any **Regulated Provider** shall, to the extent requested by any other provider of a **Public Electronic Communications Network**, negotiate with that provider with a view to concluding an agreement for **Interconnection** (or an amendment to an existing agreement for **Interconnection**) within a reasonable period.