STATUTORY INSTRUMENTS

2026 No. 407

RETAINED EU LAW REFORM

ELECTRONIC COMMUNICATIONS

The Electronic Commerce (Amendment and Consequential Provision) Regulations 2026

Sift requirements satisfied	*11th March 2026*
Made - - - -	*13th April 2026*
Laid before Parliament	*16th April 2026*
Coming into force - -	*7th May 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 14(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023(**a**).

The Secretary of State is a relevant national authority for the purposes of section 14(1) of the 2023 Act(**b**).

The requirements of paragraph 6(2) of Schedule 5 to the 2023 Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electronic Commerce (Amendment and Consequential Provision) Regulations 2026.

(2) These Regulations come into force on the 21st day after the day on which they are laid before Parliament.

(3) An amendment made by these Regulations has the same extent as the provision amended or revoked.

Amendment of the Electronic Commerce (EC Directive) Regulations 2002

2.—(1) The Electronic Commerce (EC Directive) Regulations 2002(**c**) are amended as follows.

(2) In regulation 2, paragraph (1) omit—

(**a**) 2023 c. 28.
(**b**) The term "relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).
(**c**) S.I. 2002/2013, as amended by S.I. 2019/87; there are other amending instruments but none is relevant.

(a) the words before the definition of "commercial communication", omit "and in the Schedule";

(b) the definition of "coordinated field".

(3) In regulation 2, omit paragraph (2).

(4) In regulation 4, omit paragraphs (3) to (5) and (7).

(5) Omit regulation 5.

(6) Omit the Schedule.

Amendment of the Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007

3.—(1) The Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007(**a**) are amended as follows.

(2) In regulation 2, omit paragraph (2).

(3) Omit regulation 4.

Amendment of the Extreme Pornography (Electronic Commerce Directive) (Scotland) Regulations 2011

4.—(1) The Extreme Pornography (Electronic Commerce Directive) (Scotland) Regulations 2011(**b**) are amended as follows.

(2) In regulation 2, omit paragraphs (2) and (3).

(3) Omit regulation 3.

Amendment of the Electronic Commerce (Miscellaneous Provisions) Regulations 2018

5.—(1) The Electronic Commerce (Miscellaneous Provisions) Regulations 2018(**c**) are amended as follows.

(2) In regulation 2, omit paragraphs (2) and (3).

(3) Omit regulation 6.

(4) Omit regulation 11.

Amendment of the Electronic Commerce (Amendment etc.) (EU Exit) Regulations 2019

6.—(1) The Electronic Commerce (Amendment etc.) (EU Exit) Regulations 2019(**d**) are amended as follows.

(2) In regulation 3, omit paragraphs (4) to (8).

(3) In regulation 4—

(a) in paragraph (3), omit sub-paragraphs (b) and (c);

(b) omit paragraph (7).

(**a**) S.I. 2007/1550, as amended by S.I. 2012/1809 and S.I. 2019/742; there are other amending instruments but none is relevant.
(**b**) S.S.I. 2011/137, as amended by S.S.I. 2020/339; there are other amending instruments but none is relevant.
(**c**) S.I. 2018/477, as amended by S.I. 2019/87; there are other amending instruments but none is relevant.
(**d**) S.I. 2019/87.

Amendment of the Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019

7.—(1) The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019(**a**) are amended as follows.

(2) In regulation 7, omit paragraph (3).

Amendment of the Criminal Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020

8.—(1) The Criminal Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020(**b**) are amended as follows.

(2) Omit regulation 19.

Kanishka Narayan
Parliamentary Under-Secretary of State
13th April 2026 Department for Science, Innovation and Technology

(**a**) S.I. 2019/742, to which there are amendments not relevant to these Regulations.
(**b**) S.S.I. 2020/339.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions of regulations which relate to the Country of Origin Principle ("CoOP") set out in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ No. L 178, 17.7.2000, pp. 1–16) (the "e-Commerce Directive"). The regulations amended or revoked by these Regulations are secondary retained EU law within the meaning of section 11(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28) or are amended as a consequence of amendments made to that secondary retained EU law.

Regulation 2 repeals remaining CoOP provisions in the Electronic Commerce (EC Directive) Regulations 2002 (S.I. 2002/2013). These exempt EEA based providers from certain UK market access regulations in respect of the taking up or pursuit of an information society service including requirements concerning qualification, authorisation or notification and the quality or content of the provided service.

Regulation 3 repeals remaining CoOP provisions in the Electronic Commerce (Terrorism Act 2006) Regulations 2007 (S.I. 2007/1550). These provide that proceedings for offences under section 1 (Encouragement of terrorism) or section 2 (Dissemination of terrorist publications) of the Terrorism Act 2006 (c. 11) shall not be instituted against EEA based providers of information society services unless a public interest derogation condition is met.

Regulation 4 repeals remaining CoOP provisions in the Extreme Pornography (Electronic Commerce Directive) (Scotland) Regulations 2011 (S.S.I. 2011/137). These provide that proceedings for an offence under section 51A (Possession of extreme pornography) of the Civic Government (Scotland) Act 1982 (c. 45) shall not be instituted against EEA based providers of information society services unless a public interest derogation condition is met.

Regulation 5 repeals remaining CoOP provisions in the Electronic Commerce (Miscellaneous Provisions) Regulations 2018 (S.I. 2018/477). These provide that proceedings for certain specified offences shall not be instituted against EEA based providers of information society services unless a public interest derogation condition is met. It also repeals a review requirement.

Regulation 6, 7 and 8 contain amendments that are consequential on other provision made by these Regulations.

Copies of the e-Commerce Directive may be downloaded from the EUR-Lex database at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0031. A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum and a de minimis assessment have been prepared and are published alongside the instrument on www.legislation.gov.uk.

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