
STATUTORY INSTRUMENTS

2019 No. 93

**EXITING THE EUROPEAN UNION
COMPETITION**

The Competition (Amendment etc.) (EU Exit) Regulations 2019

*Made - - - - 22nd January 2019
Coming into force in accordance with
regulation 1(1)*

**THE COMPETITION (AMENDMENT
ETC.) (EU EXIT) REGULATIONS 2019**

PART 1

Introduction

1. Citation, commencement and extent

PART 2

Amendment of the Competition Act 1998

2. The Competition Act 1998 is amended as follows.
3. (1) Section 10 is amended as follows.
4. After section 10 insert— Power to vary etc retained block...
5. Omit section 11 .
6. (1) Section 25 is amended as follows.
7. In section 25A(1)(b) , for “subsections (2) to (7)” substitute...
- 7A In section 30A(1), for “sections 26 and 27 to 28A”...
8. In section 31(2) — (a) at the end of paragraph...
9. In section 32(1) , omit “or that it infringes the...
10. In section 33(1) , omit “or that it infringes the...
11. In section 35 — (a) in subsection (1), for “subsections...
12. In section 36 — (a) in subsection (1), omit “or...
13. In section 38 — (a) in subsection (1), for the...
- 13A After section 40, insert— Transferred EU anti-trust commitments and transferred...
- 13B In section 40A(1), for “28 or 28A” substitute “28, 28A...
14. In section 46(3) — (a) omit paragraphs (b) and (d);...
15. In section 47(1)(a) , for “paragraphs (a) to (f)” substitute...

Changes to legislation: *There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

16. (1) Section 47A is amended as follows.
17. In section 49C(11), for the definition of “infringement decision”...
18. In section 52, omit subsection (1A) .
19. (1) Section 58(2) is amended as follows.
20. In section 58A, omit subsection (4).
21. (1) Section 59(1) is amended as follows.
22. Omit section 60 .
23. After section 60 insert— Certain principles etc to be considered...
24. Omit Parts 2 and 2A .
25. In section 72(1), omit “, 65 or 65L to...
26. (1) Section 73 is amended as follows.
27. Omit section 75A .
28. In Schedule 1, omit Part 2 .
29. (1) Schedule 3 is amended as follows.
30. (1) Schedule 8A is amended as follows.
31. (1) Schedule 9 is amended as follows.

PART 3

Amendment of the Enterprise Act 2002

32. The Enterprise Act 2002 is amended as follows.
33. In section 16(6), for the definition of “infringement issue”...
34. (1) Section 22 is amended as follows.
35. In section 25 — (a) omit subsections (6), (7) and...
36. (1) Section 33 is amended as follows.
37. In section 34(1)(b), for “, 59(2) or 67(2)” substitute “...
38. In section 34ZA, omit subsection (5).
39. In section 34ZB, omit subsections (5) and (8).
40. (1) Section 34ZC is amended as follows.
41. Omit section 34A (and the italic heading before it).
42. (1) Section 42 is amended as follows.
43. In section 46 — (a) in subsection (1), omit paragraphs...
44. Omit sections 46A and 46B (and the italic heading before...
45. In section 58 — (a) in subsection (2), omit the...
46. In section 59(6)(c), omit “, (6) and (8)”.
47. Omit sections 67 and 68 (and the italic heading before...
48. In section 73A(1), omit paragraph (b) and the “or”...
- 48A After section 95 insert— Transferred EU merger commitments Transferred EU...
49. In section 99(5)— (a) at the end of paragraph (b),...
50. In section 107(1), omit paragraphs (ae), (af), (ag) and...
- 50A After section 109 insert— Transferred EU merger commitments: witnesses, documents...
- 50B In section 110A, after subsection (8) insert—
51. (1) Section 110B is amended as follows.
- 51A (1) Section 120 is amended as follows.
52. Omit section 122 .
53. (1) Section 124 is amended as follows.
54. In section 129(1) — (a) omit the definition of “EU...
55. In section 130, in the table—
56. In section 153(2), omit the words from “; and...
57. In section 171, omit subsections (6) and (11).
58. Omit section 209 .

59. Omit section 240 .

PART 4

Amendment of other primary legislation

60. Schedule 1 (which amends other primary legislation) has effect.

PART 5

Amendment of subordinate legislation

61. Schedule 2 (which amends subordinate legislation) has effect.

PART 6

Amendment of assimilated law

62. Cessation of Treaty Rights and Obligations
63. Amendment of assimilated direct legislation

PART 7

Saving and transitional provision

64. Schedule 4 (which makes saving and transitional provision) has effect....
Signature

SCHEDULE 1 — Amendment of other primary legislation

1. Company Directors Disqualification Act 1986
2. Gas Act 1986
3. Electricity Act 1989
4. Water Industry Act 1991
5. Electricity (Northern Ireland) Order 1992
6. Railways Act 1993
7. Gas (Northern Ireland) Order 1996
8. Financial Services and Markets Act 2000
9. Transport Act 2000
10. Company Directors Disqualification (Northern Ireland) Order 2002
11. Communications Act 2003
12. Water and Sewerage Services (Northern Ireland) Order 2006
13. Health and Social Care Act 2012
14. Civil Aviation Act 2012
15. Financial Services (Banking Reform) Act 2013

SCHEDULE 2 — Amendment of subordinate legislation

PART 1 — Amendment of subordinate legislation made under the Competition Act 1998

1. Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000
2. Competition Act 1998 (Determination of Turnover for Penalties) Order 2000
3. Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004

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4. Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014
5. Competition Act 1998 (Concurrency) Regulations 2014
 - PART 2 — Amendment of subordinate legislation made under the Enterprise Act 2002
6. Enterprise Act 2002 (Anticipated Mergers) Order 2003
7. Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014
8. Competition Appeal Tribunal Rules 2015
 - PART 3 — Amendment of other subordinate legislation
9. EEC Merger Control (Distinct Market Investigations) Regulations 1990
10. Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998
11. Competition Act 1998 and other Enactments (Amendment) Regulations 2004
12. Water Mergers (Modification of Enactments) Regulations 2004
13. Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014

SCHEDULE 3 — Amendment of assimilated direct legislation

PART 1 — Revocation of assimilated direct legislation

1. The following instruments are revoked— (a) Council Regulation (EEC) 17/62:...
2. EU decisions and EU regulations made by the European Commission...
 - PART 2 — Amendment of assimilated Regulations
3. Council Regulation (EC) 169/2009
4. Commission Regulation (EC) 906/2009
5. Commission Regulation (EU) 330/2010
6. Commission Regulation (EU) 461/2010
7. Commission Regulation (EU) 1217/2010
8. Commission Regulation (EU) 1218/2010
9. Commission Regulation (EU) 316/2014
10. Effect of certain revocations

SCHEDULE 4 — Saving and transitional provision

PART 1 — Interpretation

1. Interpretation
 - PART 2 — Exemptions from the Chapter 1 prohibition
2. Pre-existing agreements exempt by virtue of an EU decision
3. Pre-existing research and development agreements
 - PART 3 — CMA investigations under Part 1 of the 1998 Act
4. Interpretation
5. Termination of EU elements of on-going investigations
6. (1) This paragraph applies where, immediately before IP completion day,...
7. Completed investigations terminated by decisions under section 31(2)(c) or (d) of the 1998 Act
- 7A Appropriate level of a penalty
 8. Cases subject to relevant separation agreement law
- 8A (1) This paragraph applies where on and after IP completion...
- 8B (1) This paragraph applies where on and after IP completion...
 - PART 4 — Inspections and investigations under Parts 2 and 2A of the 1998 Act
- 8C (1) This paragraph applies where, on or after IP completion...
9. On and after IP completion day— (a) except in relation...

10. A warrant issued and in force under section 62(1) ,...
11. A notice given under section 65E(2) or 65F(2) of the...
12. Despite their repeal by these Regulations, sections 65B and 65K...
PART 5 — Redress schemes further to European Commission decisions
13. (1) This paragraph applies where— (a) before IP completion day,...
PART 6 — Court and tribunal proceedings relating to competition
- 13A Interpretation
14. Claims before a court or tribunal relating to pre-IP completion day EU competition infringements
15. (1) In relation to claims (and defences to claims) described...
16. Where, before IP completion day, a reference has been made...
17. Claims before a court or tribunal relating to pre-IP completion day domestic competition infringements
PART 6A — Concentrations subject to EU Controls in accordance with the EU withdrawal agreement
- 17A (1) On and after IP completion day, to the extent...
PART 7 — Enterprise Act 2002 and other merger control legislation
18. Interpretation
19. Cases decided under the EC Merger Regulation before exit day
- 19A EU merger decisions annulled in full or in part
20. Article 22 cases referred to but not decided by the European Commission before IP completion day
21. (1) This paragraph applies in a case in which immediately...
22. (1) This paragraph applies in a case in which immediately...
23. (1) This paragraph applies in a case in which immediately...
24. Cases referred by the European Commission to the CMA ...
25. Intervention to protect legitimate interests: no European intervention notice before IP completion
- 25A (1) This paragraph applies in a case where immediately before...
26. Intervention to protect legitimate interests: European intervention notice before IP completion day
27. (1) This paragraph applies in a case in which immediately...
28. (1) This paragraph applies in a case in which immediately...
29. (1) This paragraph applies in a case falling within paragraph...
30. In a case falling within paragraph 28(1), a report given...
31. In a case falling within paragraph 28(1), on and after...
32. (1) This paragraph applies in a case falling within paragraph...
33. (1) This paragraph applies in a case falling within paragraph...
34. General savings
35. The repeal of section 209 of the 2002 Act does...
- 35A (1) Section 240 of the 2002 Act continues to have...
- 35B EEC Merger Control (Distinct Market Investigations) Regulations 1990
PART 8 — Company Directors Disqualification Legislation
36. (1) This paragraph applies where an undertaking engages in conduct...

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019.