

**EXPLANATORY MEMORANDUM TO**  
**THE ENTERPRISE ACT 2002 (PART 8 COMMUNITY INFRINGEMENTS SPECIFIED**  
**UK LAWS) ORDER 2006**

**2006 No. 3372**

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 This Order specifies, for the purposes of section 212 of the Enterprise Act 2002, three additional pieces of UK legislation which implement three pieces of EC consumer protection legislation to which Part 8 of the Enterprise Act now applies. This Order forms part of the implementation of (EC) Regulation 2006/2004 (the Consumer Protection Cooperation Regulation) (“CPC”), (which added the three pieces of EC legislation to the scope of Part 8). This Explanatory Memorandum should be read in conjunction with the Explanatory Memorandum produced for The Enterprise Act 2002 (Amendment) Regulations 2006 (S.I. 2006/3363).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 **Transposition**

CPC, although theoretically directly applicable, requires further implementation to give effect to some of its provisions (in this case by means of an Order adding three additional instruments to schedule 13 of the Enterprise Act). In particular as a result of extending the scope of Part 8 to apply to the three pieces of EC consumer protection legislation section 212(3) requires that this Order be made. This Order must be in place by 29 December 2006 to meet our EU obligations and avoid possible infraction proceedings.

**Scrutiny Committee History**
  - 4.2 The relevant Scrutiny Committee History for the (EC) Regulation 2006/2004 (the Consumer Protection Cooperation Regulation) is detailed in the Explanatory Memorandum for The Enterprise Act 2002 (Amendment) Regulations 2006 (S.I. 2006/3363).
5. **Territorial Extent and Application**
  - 5.1 This Order applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

The relevant ECHR considerations for the (EC) Regulation 2006/2004 (the Consumer Protection Cooperation Regulation) are detailed in the Explanatory Memorandum for The Enterprise Act 2002 (Amendment) Regulations 2006 (S.I. 2006/3363). Ian McCartney, Minister for Trade, Investment and Foreign Affairs has made the following statement regarding human rights. “In my view the provisions of The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2006 are compatible with the Convention rights.”

## **7. Policy background**

7.1 The policy background and consultations relevant to the implementation of CPC is detailed in the Explanatory Memorandum for The Enterprise Act 2002 (Amendment) Regulations 2006 (S.I. 2006/3363).

7.2 The Order flows from the need to ensure that Part 8 of the Enterprise Act applies to all the EC legislation covered by the scope of the CPC. The Order specifies the UK law which implements that additional EC legislation (in accordance with section 212(3) of the 2002 Act).

## **8. Impact**

8.1 A Regulatory Impact Assessment relating to the implementation of (EC) Regulation 2006/2004 (the Consumer Protection Cooperation Regulation) (“CPC”) is attached to the Explanatory Memorandum for The Enterprise Act 2002 (Amendment) Regulations 2006 (S.I. 2006/3363).

8.2 The impact on the public sector is examined in the Regulatory Impact Assessment

## **9. Contact**

9.1 Duncan Lawson at the Department of Trade and Industry Tel: 0207 215 5465 or e-mail: [Duncan.Lawson@dti.gov.uk](mailto:Duncan.Lawson@dti.gov.uk) can answer any queries regarding the instrument.