

2014 No. 537

COMPETITION

**The Designation of the Competition and Markets Authority as a
National Competition Authority Regulations 2014**

<i>Made</i>	- - - -	<i>6th March 2014</i>
<i>Laid before Parliament</i>		<i>10th March 2014</i>
<i>Coming into force</i>	- -	<i>1st April 2014</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2)(a) of the European Communities Act 1972(b) in relation to measures giving effect to the European Community's rules on competition applying to undertakings, makes the following Regulations in exercise of the powers conferred by that section:

Citation and commencement

1. These Regulations may be cited as the Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014 and shall come into force on 1st April 2014.

Designation as a national competition authority

2.—(1) The Competition and Markets Authority is designated as a national competition authority pursuant to Article 35 of the EC Competition Regulation for the purposes of exercising all of the powers and functions of a competition authority of a Member State under Chapters I, II, IV, V, VIII and IX of the EC Competition Regulation.

(2) In this regulation, "EC Competition Regulation" means Council Regulation (EC) No 1/2003 of 16th December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty(c).

Jenny Willott

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
6th March 2014

Department for Business, Innovation and Skills

(a) S.I. 1973/1889, to which there are amendments not relevant to these Regulations.
(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(c) OJ No. L1, 4.1.2003, p. 1; to which there are amendments not relevant to these Regulations; Articles 81 and 82 of the Treaty establishing the European Community are now Articles 101 and 102 of the Treaty on the Functioning of the European Union.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Article 35 of Council Regulation (EC) No 1/2003 of 16th December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ No. L1, 4.1.2003, p.1) (“the EC Competition Regulation”) provides that Member States shall designate the competition authority or authorities responsible for the application of Articles 81 and 82 of the Treaty (now Articles 101 and 102 of the Treaty on the Functioning of the European Union) in such a way that the provisions of that Regulation are effectively complied with.

Regulation 2 of these Regulations designates the Competition and Markets Authority as a national competition authority, pursuant to Article 35 of the EC Competition Regulation, for the purposes of Chapters I, II, IV, V, VIII and IX of the EC Competition Regulation.

The designation in these Regulations is a result of section 25 of and Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (“the Act”) which provide for the creation of the CMA. Section 26 of and Schedules 5 and 6 to the Act also provide for the abolition of the Office of Fair Trading (“OFT”).

Article 2 of and paragraph 13(2) of Part 1 of Schedule 1 to the Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) (No. 2) Order 2014 amend the Competition Act 1998 and Other Enactments (Amendment) Regulations 2004/1261, to remove the designation of the OFT as a national competition authority.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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