

SCHEDULE 1 **U.K.**

Regulation 60

Amendment of other primary legislation

Company Directors Disqualification Act 1986 **U.K.**

- 1.—(1) Section 9A of the Company Directors Disqualification Act 1986^{M1} is amended as follows.
- (2) In subsection (4)—
- (a) for “any of the following” substitute “either of the following”;
- (b) omit paragraphs (c) and (d).
- (3) In subsection (8), omit “or (c)”.
- (4) In subsection (11), for the words from “Section 60” to “law” substitute “Section 60A of the Competition Act 1998 (certain principles etc to be considered or applied from [F1IP completion day])”.

Textual Amendments

- F1** Words in Sch. 1 para. 1(4) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **13**

Commencement Information

- I1** Sch. 1 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M1** [1986 c. 46](#); section 9A was inserted by section 204(1) and (2) of the Enterprise Act 2002 and subsequently amended by [S.I. 2012/1809](#).

Gas Act 1986 **U.K.**

- 2.—(1) Section 36A(3) of the Gas Act 1986^{M2} is amended as follows.
- [F2(2) At the end of paragraph (b), insert “or”.
- (3) For paragraphs (c) and (d) substitute—
- “(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

- F2** Sch. 1 para. 2(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **14**

Commencement Information

- I2** Sch. 1 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M2** [1986 c. 44](#); section 36A was inserted by paragraph 43 of Schedule 3 to the [Gas Act 1995 \(c. 45\)](#); subsection (3) was substituted by section 54(2) and paragraph 3(5) of Schedule 10 to the [Competition](#)

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)

Act 1998 (c. 41), further substituted by S.I. 2004/1261, and subsequently amended paragraph 2 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013 and by S.I. 2014/892.

Electricity Act 1989 U.K.

3.—(1) Section 43(3) of the Electricity Act 1989 ^{M3} is amended as follows.

[^{F3}(2) At the end of paragraph (b), insert “or”.

(3) For paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

F3 Sch. 1 para. 3(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **15**

Commencement Information

I3 Sch. 1 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M3 [1989 c. 29](#); section 43(3) was substituted by section 54(2) and paragraph 4(5) of Schedule 10 to the [Competition Act 1998 \(c.41\)](#), further substituted by [S.I. 2004/1261](#), and subsequently amended by section 147(1) and (5) of the [Energy Act 2004 \(c. 20\)](#), [paragraph 3](#) of Schedule 15 to the Enterprise and Regulatory Reform Act 2013, and by [S.I. 2012/1809](#) and [S.I. 2014/892](#).

Water Industry Act 1991 U.K.

4.—(1) Section 31(3) of the Water Industry Act 1991 ^{M4} is amended as follows.

[^{F4}(2) At the end of paragraph (b), insert “or”.

(3) For paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

F4 Sch. 1 para. 4(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **16**

Commencement Information

I4 Sch. 1 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M4 [1991 c. 56](#); section 31(3) was substituted by [S.I. 2004/1261](#) and subsequently amended by section 36(3) of the [Water Act 2003 \(c.37\)](#), [paragraphs 4](#) and [5](#) of Schedule 15 to the Enterprise and Regulatory Reform Act 2013, and by [S.I. 2012/1809](#) and [S.I. 2014/892](#).

Electricity (Northern Ireland) Order 1992 **U.K.**

5.—(1) Article 46(3) of the Electricity (Northern Ireland) Order 1992 ^{M5} is amended as follows.

[^{F5}(2) At the end of sub-paragraph (b), insert “or”.

(3) For sub-paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

F5 Sch. 1 para. 5(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **17**

Commencement Information

I5 Sch. 1 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M5 [S.I. 1992/231 \(N.I. 1\)](#); relevant amending instruments are [S.I. 2004/1261](#), 2014/892, [S.R. 2011 No. 155](#), and paragraph 53 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013.

Railways Act 1993 **U.K.**

6.—(1) Section 67(3) of the Railways Act 1993 ^{M6} is amended as follows.

[^{F6}(2) At the end of paragraph (b), insert “or”.

(3) For paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

F6 Sch. 1 para. 6(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **18**

Commencement Information

I6 Sch. 1 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M6 [1993 c. 43](#); section 67(3) was substituted by section 54(2) and paragraph 6(5) of Schedule 10 to the Competition Act 1998, further substituted by [S.I. 2004/1261](#), and subsequently amended by paragraph 7 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2012/1809](#), [S.I. 2014/892](#) and [S.I. 2015/1682](#).

Gas (Northern Ireland) Order 1996 **U.K.**

7.—(1) Article 23(3) of the Gas (Northern Ireland) Order 1996 ^{M7} is amended as follows.

[^{F7}(2) At the end of sub-paragraph (b), insert “or”.

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)

(3) For sub-paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

F7 Sch. 1 para. 7(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **19**

Commencement Information

I7 Sch. 1 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M7 [S.I. 1996/275 \(N.I. 2\)](#); relevant amending instruments are [S.I. 2004/1261](#), 2014/892, and paragraph 54 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013.

Financial Services and Markets Act 2000 **U.K.**

8.—(1) Section 234J(2) of the Financial Services and Markets Act 2000^{M8} is amended as follows.

[^{F8}(2) At the end of paragraph (b), insert “and”.

(3) For paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

F8 Sch. 1 para. 8(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **20**

Commencement Information

I8 Sch. 1 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M8 [2000 c. 8](#); section 234J was inserted by paragraphs 1 and 3 of Schedule 8 to the [Financial Services \(Banking Reform\) Act 2013 \(c.33\)](#) and subsection (2) of section 234J is to be amended by section 27 of the [Financial Guidance and Claims Act 2018 \(c. 10\)](#) from a date to be appointed.

Transport Act 2000 **U.K.**

9.—(1) The Transport Act 2000^{M9} is amended as follows.

[^{F9}(2) In section 86(3)—

(a) at the end of paragraph (b), insert “or”;

(b) for paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions,”.]

- (3) In Schedule 9 ^{M10}—
- (a) in paragraph 3(1), omit paragraph (k);
 - (b) in paragraph 3(3), omit paragraph (s).
- (4) In Schedule 10, in paragraph 23(2)(a) ^{M11}, for “and 11” substitute “ and 10A ”.

Textual Amendments

F9 Sch. 1 para. 9(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **21**

Commencement Information

I9 Sch. 1 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M9 [2000 c. 38](#).

M10 Paragraph 3(1)(k) and (3)(s) of Schedule 9 were amended by [S.I. 2011/1043](#); there are other amendments to paragraph 3(1) and (3) but none is relevant to these Regulations.

M11 Part 2 of Schedule 10 was inserted by paragraphs 1 and 15 of Schedule 2 to the [Local Transport Act 2008 \(c. 26\)](#) and paragraph 23 was subsequently amended by [S.I. 2017/385](#).

Company Directors Disqualification (Northern Ireland) Order 2002 **U.K.**

10.—(1) Article 13A of the Company Directors Disqualification (Northern Ireland) Order 2002 ^{M12} is amended as follows.

- (2) In paragraph (4)—
- (a) for “any of the following” substitute “ either of the following ”;
 - (b) omit sub-paragraphs (c) and (d).
- (3) In paragraph (8), omit “or (c)”.
- (4) In paragraph (11), for the words from “Section 60” to “law)” substitute “ Section 60A of the Competition Act 1998 (certain principles etc to be considered or applied from [^{F10}IP completion day]) ”.

Textual Amendments

F10 Words in Sch. 1 para. 10(4) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **22**

Commencement Information

I10 Sch. 1 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M12 [S.I. 2002/3150 \(N.I. 4\)](#); article 13A was inserted by [S.I. 2005/1454 \(N.I. 9\)](#) and subsequently amended by [S.I. 2014/892](#).

Communications Act 2003 **U.K.**

11.—(1) The Communications Act 2003 ^{M13} is amended as follows.

[^{F11}(2) In section 371(2)—

- (a) at the end of paragraph (b), insert “or”;
- (b) for paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”.]

(3) Paragraph 6 of Schedule 11 ^{M14} is amended as follows.

(4) In sub-paragraph (6), at the beginning insert “ Subject to paragraph 6A, ”.

(5) In sub-paragraph (7)(a)—

- (a) after “European Court” insert “before [^{F12}IP completion day]”, and
- (b) for “of that court” substitute “ made by that court before [^{F12}IP completion day]”.

(6) After sub-paragraph (7) insert—

“(7A) In sub-paragraph (7)(a), the reference to principles laid down before [^{F13}IP completion day] is a reference to such principles as they have effect in EU law immediately before [^{F13}IP completion day], disregarding the effect of principles laid down, and decisions made, by the European Court on or after [^{F13}IP completion day].”.

(7) After that paragraph insert—

“**Competition tests applying to OFCOM's decisions: EU principles etc**

6A.—(1) Paragraph 6(6) does not require OFCOM to secure that there is no inconsistency with a principle or decision referred to in paragraph 6(7)(a)—

- (a) so far as the principle or decision is excluded from the law of England and Wales, Scotland and Northern Ireland on or after [^{F14}IP completion day], or
- (b) so far as doing so would be incompatible with OFCOM's duty to secure that there is no inconsistency with a decision referred to in paragraph 6(7)(b).

(2) For the purposes of sub-paragraph (1)(a), a principle or decision is to be treated as not excluded from the law of England and Wales, Scotland and Northern Ireland if it is excluded only by virtue of an exclusion or revocation in the Competition (Amendment etc.) (EU Exit) Regulations 2019.

(3) Paragraph 6(6) does not require OFCOM to secure that there is no inconsistency with a principle or decision referred to in paragraph 6(7)(a) if OFCOM think that it is appropriate to act otherwise in the light of one or more of the following—

- (a) differences between the competition tests and Article 101 of the Treaty on the Functioning of the European Union as it had effect immediately before [^{F14}IP completion day];
- (b) differences between markets in the United Kingdom and markets in the European Union;
- (c) developments in forms of economic activity since the time when the principle or decision referred to in paragraph 6(7)(a) was laid down or made;
- (d) generally accepted principles of competition analysis or the generally accepted application of such principles;

- (e) a principle laid down, or decision made, by the European Court on or after [F14]IP completion day];
- (f) the particular circumstances under consideration.”.

Textual Amendments

- F11** Sch. 1 para. 11(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **23(2)**
- F12** Words in Sch. 1 para. 11(5) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **23(3)**
- F13** Words in Sch. 1 para. 11(6) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **23(4)**
- F14** Words in Sch. 1 para. 11(7) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **23(5)**

Commencement Information

- I11** Sch. 1 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M13** [2003 c. 21](#).
- M14** Paragraph 6 of Schedule 11 was amended by [S.I. 2012/1809](#) and [S.I. 2014/892](#).

Water and Sewerage Services (Northern Ireland) Order 2006 **U.K.**

12.—(1) Article 29(3) of the Water and Sewerage Services (Northern Ireland) Order 2006 ^{M15} is amended as follows.

[F15](2) At the end of sub-paragraph (b), insert “or”.

(3) For sub-paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act),”].

Textual Amendments

- F15** Sch. 1 para. 12(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **24**

Commencement Information

- I12** Sch. 1 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M15** [S.I. 2006/3336 \(N.I. 21\)](#), amended by [S.I. 2014/892](#); there are other amending instruments but none is relevant.

Health and Social Care Act 2012 **U.K.**

[F16]**13.** In section 72(2) of the Health and Social Care Act 2012, for paragraphs (c) and (d) 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)

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act).”.]

Textual Amendments

F16 Sch. 1 para. 13 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **25**

Commencement Information

I13 Sch. 1 para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Civil Aviation Act 2012 **U.K.**

14.—(1) The Civil Aviation Act 2012 ^{M16} is amended as follows.

(2) In section 6—

- (a) omit subsection (9)(a);
- (b) omit subsection (10)(a);
- (c) in subsection (10)(b), omit “and Articles 101 and 102 of the TFEU”;
- (d) omit subsection (11).

[^{F17}(2A) In section 62(2)(a), for “(d)”, substitute “(c)”.]

[^{F18}(3) In section 62(3)—

- (a) at the end of paragraph (b), insert “or”;
- (b) for paragraphs (c) and (d), substitute—
 - “(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act).”.]

Textual Amendments

F17 Sch. 1 para. 14(2A) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **26(a)**

F18 Sch. 1 para. 14(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **26(b)**

Commencement Information

I14 Sch. 1 para. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M16 [2012 c. 19](#).

Financial Services (Banking Reform) Act 2013 **U.K.**

15.—(1) Section 61(2) of the Financial Services (Banking Reform) Act 2013 ^{M17} is amended as follows.

[^{F19}(2) At the end of paragraph (b), insert “and”.

(3) For paragraphs (c) and (d) substitute—

“(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act).”].

Textual Amendments

F19 Sch. 1 para. 15(2)(3) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), 27

Commencement Information

I15 Sch. 1 para. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M17 [2013 c. 33](#).

SCHEDULE 2 **U.K.**

Regulation 61

Amendment of subordinate legislation

PART 1 **U.K.**

Amendment of subordinate legislation made under the Competition Act 1998

Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000 **U.K.**

1.—(1) The Schedule to the Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000^{M18} is amended as follows.

(2) In paragraph 1—

- (a) in the definition of “financial institution”, for “EEA” substitute “United Kingdom”;
- (b) for the definition of “insurance undertaking” substitute—

““insurance undertaking” means—

- (a) an insurance undertaking carrying on the business of direct insurance of a class set out in Article 2 of, or Annex 1 to, Directive [2009/138/EC](#) of the European Parliament and Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)^{M19};
- (b) a reinsurance undertaking; or
- (c) a third-country reinsurance undertaking;”;

(c) omit the “and” at the end of the definition of “insurance undertaking” and after that definition insert—

““reinsurance undertaking” means an undertaking which—

- (a) has its head office in the United Kingdom;
- (b) has permission under Part 4A of the Financial Services and Markets Act 2000^{M20} to carry on one or more regulated activities;

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)

- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
 - (d) would require authorisation in accordance with Article 14 of Directive [2009/138/EC](#), if the United Kingdom were a Member State;
- “third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—
- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
 - (b) immediately before [^{F20}IP completion day], would have required authorisation as a reinsurance undertaking in accordance with Article 14 of Directive [2009/138/EC](#); and”.

Textual Amendments

F20 Words in Sch. 2 para. 1(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **29**

Commencement Information

I16 Sch. 2 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M18 [S.I. 2000/262](#); relevant amending instruments are [S.I. 2013/3115](#) and [2015/575](#).

M19 O.J. L 335, 17.12.2009, p. 1, as last amended by Directive (EU) 2018/843 (O.J. L 156, 19.6.2018).

M20 Part 4A of the Financial Services and Markets Act 2008 ((sections 55A–55Z, 55Z1–55Z4) was substituted for Part IV (sections 40–55) by section 11(2) of the Financial Services Act 2012; there are amendments to Part 4A but none is relevant to these Regulations.

Competition Act 1998 (Determination of Turnover for Penalties) Order 2000 **U.K.**

2.—(1) The Schedule to the Competition Act 1998 (Determination of Turnover for Penalties) Order 2000 ^{M21} is amended as follows.

(2) In paragraph 1—

(a) in the definition of “financial institution”, for “EEA” substitute “United Kingdom”;

(b) for the definition of “insurance undertaking” substitute—

““insurance undertaking” means—

(a) an insurance undertaking carrying on the business of direct insurance of a class set out in Article 2 of, or Annex 1 to, Directive [2009/138/EC](#) of the European Parliament and Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II);

(b) a reinsurance undertaking; or

(c) a third-country reinsurance undertaking;”;

(c) omit the “and” at the end of the definition of “insurance undertaking” and after that definition insert—

““reinsurance undertaking” means an undertaking which—

(a) has its head office in the United Kingdom;

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)

- (b) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on one or more regulated activities;
- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
- (d) would require authorisation in accordance with Article 14 of Directive [2009/138/EC](#), if the United Kingdom were a Member State;

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
- (b) immediately before [^{F21}IP completion day], would have required authorisation as a reinsurance undertaking in accordance with Article 14 of Directive [2009/138/EC](#); and”.

Textual Amendments

F21 Words in Sch. 2 para. 2(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **30**

Commencement Information

I17 Sch. 2 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M21 [S.I. 2000/309](#); relevant amending instruments are [S.I. 2004/1259](#), 2013/3115 and 2015/575.

Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004 **U.K.**

3.—(1) The Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004 ^{M22} are amended as follows.

(2) In regulation 2, for “parallel exemption” in both places it occurs substitute “retained exemption”.

Commencement Information

I18 Sch. 2 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M22 [S.I. 2004/1078](#); amended by [S.I. 2014/549](#).

Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014 **U.K.**

4.—(1) The Schedule to the Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014 ^{M23} is amended as follows.

(2) In rule 1—

- (a) for the definition of “infringement decision” substitute—

- “infringement decision” means a decision of the CMA that the Chapter I prohibition or the Chapter II prohibition has been infringed;”;
- (b) in the definition of “notice”—
- (i) at the end of paragraph (b), insert “ or ”;
 - (ii) omit paragraph (d) and the “or” before it.
- (3) In rule 2—
- (a) in paragraph (1)—
 - (i) omit “Subject to paragraphs (2) and (3),”;
 - (ii) for the words from “any one or more” to the end substitute “ the Chapter I prohibition or the Chapter II prohibition. ”;
 - (b) omit paragraphs (2) and (3).
- (4) In rule 4—
- (a) in paragraph (2), omit “or section 65E(6)(a)(ii) or (b)”;
 - (b) in paragraph (5)—
 - (i) omit “or 65F(1)”;
 - (ii) for “, 28A, 65G or 65H” substitute “ or 28A ”.
- (5) In rule 5—
- (a) in paragraph (1), for “one or more” substitute “ either or both ”;
 - (b) in paragraph (2), for the words from “which one” to “considers” substitute “ whether it considers the Chapter I prohibition or the Chapter II prohibition or both ”;
 - (c) in paragraph (3), omit “or the prohibition in Article 101(1)”.
- (6) In rule 9(1)(a), for the words from “one or more of” to “Article 102” substitute “ the Chapter I prohibition or the Chapter II prohibition ”.
- (7) In rule 10—
- (a) in paragraph (2), omit “or the prohibition in Article 101(1)”;
 - (b) in paragraph (4)—
 - (i) omit sub-paragraph (b) and the “or” at the end;
 - (ii) in sub-paragraph (c) omit “or the prohibition in Article 102”.
- (8) In rule 11(a), for the words from “which one” to “considers” substitute “ whether it considers the Chapter I prohibition or the Chapter II prohibition or both ”.
- (9) In rule 14—
- (a) in paragraph (1), for the words from “to a case” to “Article 102” substitute “ the Chapter I prohibition or the Chapter II prohibition to a case ”;
 - (b) omit paragraphs (2) to (4).
- (10) In rule 15, in paragraph (1) and in the heading, for “parallel exemption” substitute “ retained exemption ”.
- (11) Omit rule 16.
- (12) In rule 19—
- (a) in paragraph (1)(a) omit “, 16(1) 16(3)(a)”;
 - (b) in paragraph (1)(b) omit “, 16(1), 16(3)(a)”.

Commencement Information

I19 Sch. 2 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M23 S.I. 2014/458.

Competition Act 1998 (Concurrency) Regulations 2014 **U.K.**

5.—(1) The Competition Act 1998 (Concurrency) Regulations 2014^{M24} are amended as follows.

[^{F22}(1A) In regulation 2, in the definition of “prescribed functions”, after sub-paragraph (i) insert—

“(ia) any of the functions of the CMA under section 40ZB, 40ZC or 40ZD of the Act;”.]

(2) In regulation 3—

(a) at the end of paragraph (a), insert “ or ”;

(b) omit paragraphs (c) and (d).

(3) In regulation 9(1)(a)—

(a) at the end of paragraph (i), insert “ or ”;

(b) omit paragraphs (iii) and (iv).

(4) In regulation 9(1)(g), for “parallel exemption” substitute “ retained exemption ”.

Textual Amendments

F22 Sch. 2 para. 5(1A) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1343), regs. 1(1), **31**

Commencement Information

I20 Sch. 2 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M24 S.I. 2014/536.

PART 2 **U.K.**

Amendment of subordinate legislation made under the Enterprise Act 2002

Enterprise Act 2002 (Anticipated Mergers) Order 2003 **U.K.**

6.—(1) The Enterprise Act 2002 (Anticipated Mergers) Order 2003^{M25} is amended as follows.

(2) In article 2, in the definition of “notice”, for “, 59(2) or 67(2)” substitute “ or 59(2) ”.

Commencement Information

I21 Sch. 2 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M25 S.I. 2003/1595, to which there is an amendment not relevant to these Regulations.

Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014 **U.K.**

7.—(1) The Schedule to the Enterprise Act 2002 (Mergers) (Interim Measures: Financial Penalties) (Determination of Control and Turnover) Order 2014 ^{M26} is amended as follows.

(2) In paragraph 1(1), in the definition of “financial institution”—

- (a) for “EU” substitute “ United Kingdom ”;
- (b) omit the “and” at the end;

(3) In paragraph 1(1), in the definition of “insurance undertaking”—

- (a) in paragraphs (a) and (b), for “European Economic Area” substitute “ United Kingdom ”;
- (b) omit the “or” at the end of paragraph (b); and
- (c) for paragraph (c) substitute—

“(c) a reinsurance undertaking; or
(d) a third-country reinsurance undertaking;”.

(4) In paragraph 1(1), after the definition of “insurance undertaking” insert—

““reinsurance undertaking” means an undertaking which—

- (a) has its head office in the United Kingdom;
- (b) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on one or more regulated activities;
- (c) effects or carries out contracts of insurance that are limited to reinsurance contracts; and
- (d) would require authorisation in accordance with Article 14 of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), if the United Kingdom were a Member State; and

“third-country reinsurance undertaking” means an undertaking which, if its head office were in the United Kingdom—

- (a) would require permission under Part 4A of the Financial Services and Markets Act 2000 to carry out regulated activities relating to reinsurance; and
- (b) immediately before [^{F23}IP completion day], would have required authorisation as a reinsurance undertaking in accordance with Article 14 of Directive 2009/138/EC.”.

Textual Amendments

F23 Words in Sch. 2 para. 7(4) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **32**

Commencement Information

I22 Sch. 2 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M26 S.I. 2014/533, as amended by S.I. 2015/575.

Competition Appeal Tribunal Rules 2015 **U.K.**

- 8.—(1) The Competition Appeal Tribunal Rules 2015^{M27} are amended as follows.
- (2) In rule 2, paragraph (1), omit the definition of “TFEU”.
 - (3) In rule 50(2), omit “Article 101 or 102 of the TFEU or”.
 - (4) Omit rule 59(5)(a)(ii) and the “but” before it.
 - (5) Omit rule 109.
 - (6) In rule 110(1), omit paragraph (m).

Commencement Information

I23 Sch. 2 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M27 S.I. 2015/1648.

PART 3 **U.K.**

Amendment of other subordinate legislation

EEC Merger Control (Distinct Market Investigations) Regulations 1990 **U.K.**

9. The EEC Merger Control (Distinct Market Investigations) Regulations 1990^{M28} are revoked.

Commencement Information

I24 Sch. 2 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M28 S.I. 1990/1715, as amended by S.I. 2003/1398, S.I. 2004/1079 and S.I. 2014/549.

Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998 **U.K.**

- 10.—(1) Article 12 of the Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998^{M29} is amended as follows.
- (2) In paragraph (2), for the words from “pursuant” to the end 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)

“the agreement is exempt from the Chapter 1 prohibition as a result of—

- (a) section 9 of the Competition Act 1998; or
- (b) a block exemption or a retained exemption.”
- (3) Omit paragraph (3).
- (4) In paragraph (4)—
 - (a) in the definition of “agreement” for “within the meaning of Article 85.1” substitute “ and those expressions have the same meaning as they do for the purposes of the Competition Act 1998 ”;
 - (b) omit the definition of “Article 85.1” and “Article 85.3”;
 - (c) in the appropriate place insert—
 - ““the Chapter 1 prohibition” has the meaning given by section 2(8) of the Competition Act 1998;
 - “block exemption” has the meaning given by section 6(4) of the Competition Act 1998;
 - “retained exemption” has the meaning given by section 10(3) of the Competition Act 1998.”.
- (5) For the heading substitute “ Part 1 of the Competition Act 1998 ”.

Commencement Information

I25 Sch. 2 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M29 [S.I. 1998/1271](#); there are amending instruments, but none is relevant to these Regulations.

Competition Act 1998 and other Enactments (Amendment) Regulations 2004 **U.K.**

11.—(1) The Competition Act 1998 and other Enactments (Amendment) Regulations 2004 ^{M30} are amended as follows.

- (2) In regulation 2, omit the definition of “the EC Competition Regulation”.
- (3) Omit regulation 3.

Commencement Information

I26 Sch. 2 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M30 [S.I. 2004/1261](#); relevant amending instruments are [S.I. 2012/1809](#) and [S.I. 2014/549](#).

Water Mergers (Modification of Enactments) Regulations 2004 **U.K.**

12.—(1) The Water Mergers (Modification of Enactments) Regulations 2004 ^{M31} are amended as follows.

- (2) In regulation 3(1)—
 - (a) omit sub-paragraph (b);

- (b) in sub-paragraph (d), for “to 68” substitute “ to 66 ”.
- (3) In regulation 5—
 - (a) insert “ and ” at the end of paragraph (aa);
 - (b) omit paragraphs (b) and (d);
- (4) In regulation 10ZA, in paragraph (d), for “subsections (4) and (5)” substitute “ subsection 4 ”.
- (5) Omit regulations 10ZB and 10ZC.
- (6) In regulation 17A(a), omit sub-paragraph (ii).
- (7) In regulation 29(a), omit sub-paragraph (iv).
- (8) In regulation 30B—
 - (a) in paragraph (a)—
 - (i) insert “ and ” at the end of sub-paragraph (i);
 - (ii) omit sub-paragraph (iii) and the “and” before it;
 - (b) in paragraph (b), omit sub-paragraph (ii) (together with the final “and”).
- [^{F24}(8A) In regulation 32—
 - (a) omit the “and” at the end of paragraph (a);
 - (b) after paragraph (a) insert—
 - “(aa) subsection (1A) were omitted; and”.]
- (9) Omit regulation 33.

Textual Amendments

F24 Sch. 2 para. 12(8A) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **33**

Commencement Information

I27 Sch. 2 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M31 [S.I. 2004/3202](#), relevant amending instruments are [S.I. 2011/1043](#), [S.I. 2014/549](#) and [S.I. 2015/1936](#).

Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014 **U.K.**

13. The Designation of the Competition and Markets Authority as a National Competition Authority Regulations 2014 ^{M32} are revoked.

Commencement Information

I28 Sch. 2 para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M32 [S.I. 2014/537](#).

SCHEDULE 3 **U.K.**

Regulation 63

Amendment of [^{F25}assimilated direct legislation]**Textual Amendments**

F25 Words in Sch. 3 heading substituted (1.3.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Provision\) Regulations 2024 \(S.I. 2024/80\)](#), reg. 1(2), **Sch. para. 7(3)(a)**

PART 1 **U.K.**Revocation of [^{F26}assimilated direct legislation]**Textual Amendments**

F26 Words in Sch. 3 Pt. 1 heading substituted (1.3.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Provision\) Regulations 2024 \(S.I. 2024/80\)](#), reg. 1(2), **Sch. para. 7(3)(b)**

1. The following instruments are revoked—

- (a) Council Regulation [\(EEC\) 17/62](#): First Regulation implementing Articles 85 and 86 of the Treaty;
- (b) Council Regulation [\(EEC\) 19/65](#) on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices;
- (c) Council Regulation [\(EEC\) 2821/71](#) on the application of Article 85(3) of the Treaty to categories of agreements, decisions and concerted practices;
- (d) Council Regulation [\(EEC\) No 2988/74](#) concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the European Economic Community relating to transport and competition;
- (e) Council Regulation [\(EEC\) 1534/91](#) on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector;
- (f) Council Regulation [\(EC\) 1/2003](#) on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty;
- (g) Council Regulation [\(EC\) No 139/2004](#) on the control of concentrations between undertakings;
- (h) Council Regulation [\(EC\) 246/2009](#) on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia);
- (i) Council Regulation [\(EC\) 487/2009](#) on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector;
- (j) Annex 14 to the EEA Agreement insofar as it forms part of domestic law on and after [^{F27}IP completion day] by virtue of section 3(1) of the European Union (Withdrawal) Act 2018 [^{F28};
- (k) Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union.]

Textual Amendments

- F27** Words in Sch. 3 para. 1(j) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **34(2)(a)**
- F28** Sch. 3 para. 1(k) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **34(2)(b)**

Commencement Information

- I29** Sch. 3 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

2. EU decisions and EU regulations made by the European Commission under the instruments revoked by paragraph 1 (as they form part of domestic law on and after [^{F29}IP completion day] by virtue of section 3(1) of the European Union (Withdrawal) Act 2018) are revoked, with the exception of EU regulations made by the European Commission under the EU regulations specified in paragraph 1(b), (c) and (h).

Textual Amendments

- F29** Words in Sch. 3 para. 2 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **34(3)**

Commencement Information

- I30** Sch. 3 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

PART 2 **U.K.**

Amendment of [^{F30}assimilated Regulations]

Textual Amendments

- F30** Words in [Sch. 3 Pt. 2](#) heading substituted (1.3.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Provision\) Regulations 2024 \(S.I. 2024/80\)](#), reg. 1(2), **Sch. para. 7(3)(c)**

Council Regulation (EC) 169/2009 **U.K.**

3.—(1) Council Regulation (EC) No 169/2009 applying rules of competition to transport by rail, road and inland waterway is amended as follows.

- (2) In Article 2—
- (a) in paragraph 1, for “in Article 81(1) of the Treaty” substitute “imposed by section 2(1) of the Competition Act 1998”;
 - (b) omit paragraph 2.
- (3) In Article 3—
- (a) in paragraph 1, for the words from “Article 81(1)” to “that Article” substitute “section 2(1) of the Competition Act 1998 are exempt from the prohibition imposed by that provision”;
 - (b) omit paragraph 2.

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)

(4) Omit Article 5(2).

(5) In the words after Article 5, omit the words from “This Regulation shall be binding” to “Member States.”.

Commencement Information

I31 Sch. 3 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

Commission Regulation (EC) 906/2009 U.K.

4.—(1) Commission Regulation (EC) 906/2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) is amended as follows.

(2) In Article 1, for “Community ports” substitute “ ports in the United Kingdom ”.

(3) In Article 2, after paragraph 3 insert—

“**3A.** “the Chapter 1 prohibition” means the prohibition imposed by section 2(1) of the Competition Act 1998;”.

(4) In Article 3, for the words before paragraph 1 substitute—

“Subject to the provisions of this Regulation, the following activities of a consortium are exempt from the Chapter 1 prohibition:”.

(5) In the words after Article 7, omit the words from “This Regulation shall be binding” to “Member States.”.

Commencement Information

I32 Sch. 3 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

Commission Regulation (EU) 330/2010 U.K.

^{F31}5.

Textual Amendments

F31 Sch. 3 paras. 5-8 revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

Commission Regulation (EU) 461/2010 U.K.

^{F31}6.

Textual Amendments

F31 Sch. 3 paras. 5-8 revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

Commission Regulation (EU) 1217/2010 **U.K.**

^{F31}7.

Textual Amendments

F31 Sch. 3 paras. 5-8 revoked (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Revocation and Sunset Disapplication\) Regulations 2023 \(S.I. 2023/1143\)](#), reg. 2(3), **Sch. 2 Pt. 1**

Commission Regulation (EU) 1218/2010 **U.K.**

^{F31}8.

Textual Amendments

F31 Sch. 3 paras. 5-8 revoked (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Revocation and Sunset Disapplication\) Regulations 2023 \(S.I. 2023/1143\)](#), reg. 2(3), **Sch. 2 Pt. 1**

Commission Regulation (EU) 316/2014 **U.K.**

9.—(1) Commission Regulation (EU) 316/2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements is amended as follows.

(2) In Article 1(1), after point (c), insert—

“(ca) “the Chapter 1 prohibition” means the prohibition imposed by section 2(1) of the Competition Act 1998;”.

(3) In Article 2—

(a) for paragraph 1 substitute—

“Subject to the provisions of this Regulation, technology transfer agreements are exempt from the Chapter 1 prohibition.”;

(b) in paragraph 2, for “Article 101(1) of the Treaty” substitute “ the Chapter 1 prohibition ”.

(4) In Article 5(1), in point (b), for “which the other party holds in the Union” substitute “ held by the other party which have effect in the United Kingdom ”.

(5) Omit Articles 6, 7 and 10.

(6) In the words after Article 11, omit the words from “This Regulation shall be binding” to “Member States.”.

Commencement Information

I33 Sch. 3 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Effect of certain revocations **U.K.**

10.—(1) The revocation of the provisions of Commission Regulations listed in sub-paragraph (2) is not to be read as—

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)

- (a) preventing the Secretary of State from exercising the power under section 10A(1) of the Competition Act 1998 ^{M33} to disapply those Regulations as described in those provisions, or
 - (b) limiting that power in any other way.
- (2) Those provisions are—
- ^{F32}(a)
 - ^{F32}(b)
 - (c) Article 7 of Commission Regulation (EU) 316/2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements.
- (3) The revocation of Article 6 of Commission Regulation (EU) 316/2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements is not to be read as—
- (a) preventing the Competition and Markets Authority from exercising its power under section 10(5) of the Competition Act 1998 to impose conditions or obligations subject to which an exemption is to have effect or to cancel the exemption for an agreement in the circumstances described in that Article, or
 - (b) limiting that power in any other way.

Textual Amendments

F32 Sch. 3 para. 10(2)(a)(b) revoked (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Revocation and Sunset Disapplication\) Regulations 2023 \(S.I. 2023/1143\)](#), reg. 2(3), [Sch. 2 Pt. 1](#)

Commencement Information

I34 Sch. 3 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M33 [1998 c. 41](#); section 10A is inserted into the Competition Act 1998 by regulation 4 of these Regulations.

SCHEDULE 4 **U.K.**

Regulation 64

Saving and transitional provision

PART 1 U.K.

Interpretation

Interpretation U.K.

1. In this Schedule—
 - “the 1998 Act” means the Competition Act 1998;
 - “the 2002 Act” means the Enterprise Act 2002 ^{M34};
 - “the CMA” means the Competition and Markets Authority.

Commencement Information

I35 Sch. 4 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Marginal Citations

M34 2002 c. 40.

PART 2 U.K.

Exemptions from the Chapter 1 prohibition

Pre-existing agreements exempt by virtue of an EU decision U.K.

2.—(1) This paragraph applies if—

- (a) immediately before [^{F33}IP completion day], an agreement is exempt from the Chapter 1 prohibition under section 10 of the 1998 Act by virtue of an EU decision ^{M35}; and
- (b) the decision (as it has effect in EU law) has not expired or been revoked under EU law.

(2) On and after [^{F33}IP completion day], section 10 of the 1998 Act has effect in relation to the agreement without the modifications made by regulation 3(3), (4), (6)(c) and (8) of these Regulations.

(3) In this paragraph—

- (a) “the Chapter 1 prohibition” means the prohibition imposed by section 2(1) of the 1998 Act;
- (b) references to an agreement include a reference to a decision by an association of undertakings and a concerted practice.

(4) For the purposes of section 10 of the 1998 Act as it has effect by virtue of this paragraph, section 59 of that Act (interpretation) has effect without the modifications made by regulation 21(2).

Textual Amendments

F33 Words in Sch. 4 para. 2 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **35(2)**

Commencement Information

I36 Sch. 4 para. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

Marginal Citations

M35 Agreements exempt by virtue of an EU decision are subject to an existing saving provision under regulation 7 of [S.I. 2004/1261](#).

Pre-existing research and development agreements U.K.

^{F34}3.

Textual Amendments

F34 Sch. 4 para. 3 revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

PART 3 U.K.

CMA investigations under Part 1 of the 1998 Act

Interpretation U.K.

4.—(1) In this Part of this Schedule—

“investigation” means an investigation under section 25 of the 1998 Act;

“domestic element”, in relation to an investigation, means any part of the investigation conducted by virtue of section 25(2), (4) or (6) of the 1998 Act;

“EU element”, in relation to an investigation, means any part of the investigation conducted by virtue of section 25(3), (5) or (7) of the 1998 Act;

(2) References in this Part of this Schedule to cases in which the CMA is conducting an investigation at a particular time include cases in which the CMA would be conducting such an investigation but for section 31B(2) ^{M36} of the 1998 Act (suspension of investigation where commitments given under section 31A ^{M37} of that Act).

(3) References in this Part of this Schedule to the CMA are to be read as including a reference to a regulator (as defined in section 54 of the 1998 Act ^{M38}).

Commencement Information

I37 Sch. 4 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

Marginal Citations

M36 Section 31B(2) was inserted by [S.I. 2004/1261](#) and subsequently amended by paragraphs 1 and 12 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

M37 Section 31A was inserted by [S.I. 2004/1261](#) and subsequently amended by paragraphs 1 and 12 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

M38 Section 54 was amended by paragraph 38(1) and (41) of Schedule 25 to the Enterprise Act 2002, section 371(5) of the Communications Act 2003, section 51(1) to (4) of, paragraphs 1 and 33 of Schedule 5 to, and paragraphs 8 and 11 of Schedule 15 to, the Enterprise and Regulatory Reform Act 2013, paragraph 32(1) and (2) of Schedule 7 to the [Water Act 2003 \(c. 37\)](#), [section 74\(5\)](#) of the Health and Social Care Act 2012, section 67(2) of and paragraph 9 of Schedule 8 to the [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), and by [S.I. 2015/1682](#) and [S.I. 2004/1261](#).

Termination of EU elements of on-going investigations U.K.

5. Where the CMA is conducting an investigation immediately before [F35IP completion day], it may not continue any EU elements of the investigation on and after [F35IP completion day].

Textual Amendments

F35 Words in Sch. 4 para. 5 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(2)**

Commencement Information

I38 Sch. 4 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

6.—(1) This paragraph applies where, immediately before [^{F36}IP completion day], the CMA is conducting an investigation which has both domestic elements and EU elements.

(2) Anything done before [^{F36}IP completion day] for the purposes of, or in connection with, the EU elements of the investigation is to be treated, on and after [^{F36}IP completion day], as done for the purposes of, or in connection with, the domestic elements of the investigation.

(3) The reference in sub-paragraph (2) to anything done includes anything omitted to be done.

(4) On and after [^{F36}IP completion day]—

(a) a notice validly issued before [^{F36}IP completion day] under section 26 ^{M39}, 26A ^{M40}, or 27 ^{M41} of the 1998 Act for the purposes of the EU elements of the investigation is to be treated as validly issued for the purposes of the domestic elements of the investigation;

(b) a warrant validly issued, or an application for a warrant made, before [^{F36}IP completion day] under section 28 ^{M42} or 28A ^{M43} of the 1998 Act for the purposes of the EU elements of the investigation is to be treated as validly issued or made in connection with the domestic elements of the investigation;

(c) documents and other information obtained, and representations made, before [^{F36}IP completion day] for the purposes of, or in connection with, the EU elements of the investigation are to be treated as obtained or made for the purposes of, or in connection with, the domestic elements of the investigation; and

(d) a commitment accepted under section 31A of the 1998 Act before [^{F36}IP completion day] for the purposes of addressing a competition concern identified during the course of the EU elements of the investigation, and not released before [^{F36}IP completion day], continues in force until released.

(5) Sub-paragraph (4) is without prejudice to the generality of sub-paragraph (2).

(6) On and after [^{F36}IP completion day] a notice given before [^{F36}IP completion day] under section 31(1) ^{M44} of the 1998 Act is to be treated as if any reference to a proposed decision described in section 31(2)(c) or (d) of the 1998 Act were omitted.

Textual Amendments

F36 Words in Sch. 4 para. 6 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(2)**

Commencement Information

I39 Sch. 4 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M39** Section 26 was amended by paragraphs 1 and 6 of Schedule 5 to, and paragraphs 8 and 9 of Schedule 15 to, the Enterprise and Regulatory Reform Act 2013, paragraphs 38(1) and (20) of Schedule 25 to the Enterprise Act 2002, and [S.I. 2004/1261](#).
- M40** Section 26A was inserted by section 39 of the Enterprise and Regulatory Reform Act 2013.
- M41** Section 27 was amended by paragraphs 1 and 7 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013, paragraphs 38(1) and (21) of Schedule 25 to the Enterprise Act 2002, paragraph 21 of Schedule 2 to the [Criminal Justice and Police Act 2001 \(c. 16\)](#) and [S.I. 2004/1261](#).
- M42** Section 28 was amended by paragraphs 1 and 2 of Schedule 13 to, and paragraphs 1 and 8 of Schedule 5 to, the Enterprise and Regulatory Reform Act 2013, section 203(1) and (2) of, and paragraphs 38(1) and (22) of Schedule 25 to, the Enterprise Act 2002, paragraph 21 of Schedule 2 to the Criminal Justice and Police Act 2001 and [S.I. 2004/1261](#).
- M43** Section 28A was inserted by [S.I. 2004/1261](#) and amended by paragraphs 1 and 3 of Schedule 13 to, and paragraphs 1 and 9 of Schedule 5 to, the Enterprise and Regulatory Reform Act 2013.
- M44** Section 31(1) was amended by paragraphs 1 and 10 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

Completed investigations terminated by decisions under section 31(2)(c) or (d) of the 1998 Act **U.K.**

7.—(1) This paragraph applies where, before [^{F37}IP completion day], the CMA has made a decision within the meaning of section 31(2)(c) or (d) of the 1998 Act.

(2) On and after [^{F38}IP completion day], in connection with the decision, the enactments mentioned in sub-paragraphs (3) to (8) have effect as described there.

(3) Part 1 of the 1998 Act has effect—

- (a) without the modifications made by Part 2 of these Regulations, other than the modifications made by regulations 21(3), 22 and 23 (principles to be applied in determining questions), and
- (b) [^{F39}except in relation to cases in which the European Commission has continued competence after IP completion day in accordance with Article 92 of the EU withdrawal agreement,] with the further modifications set out in sub-paragraph (4).

(4) The further modifications mentioned in sub-paragraph (3)(b) are as follows—

- (a) references (however expressed) to a decision of the European Commission or a Member State competition authority that there has been an infringement of the prohibition in Article 101(1) or 102 of the Treaty on the Functioning of the European Union do not include a decision made on or after [^{F40}IP completion day];
- (b) paragraph 21(3) of Schedule 8A to the 1998 Act has effect as if—
 - (i) in [^{F41}paragraph] (a), after “if the competition authority makes a decision” there were inserted “ before [^{F42}IP completion day] ”;
 - (ii) the “and” at the end of [^{F41}paragraph] (a) were omitted;
 - (iii) in [^{F41}paragraph] (b), for “otherwise” there were substituted “ if the competition authority closes the investigation before [^{F42}IP completion day] without making such a decision ”; and
 - (iv) after [^{F41}paragraph] (b) there were inserted—
 - “; and

(c) otherwise, at the end of the period of one year beginning with [^{F42}IP completion day].”.

(5) Section 16 of the 2002 Act ^{M45} has effect without the modification made by regulation 33 of these Regulations.

(6) The enactments listed in [^{F43}paragraphs 2 to 9 and 12 to 15] of Schedule 1 to these Regulations and in paragraphs 11 and 13 of Part 3 of Schedule 2 to these Regulations have effect without the modifications made in those paragraphs.

[^{F44}(6A) The Communications Act 2003 applies without the modifications made by paragraph 11 of Schedule 1 to these Regulations, except for the modifications made by sub-paragraphs (3) to (7) of that paragraph.]

(7) Subordinate legislation made under Part 1 of the 1998 Act has effect without the modifications made by Part 1 of Schedule 2 to these Regulations, except for the modifications made by paragraph 4(4) of that Schedule (amendments to the Competition Act 1998 (Competition and Market Authority's Rules) Order 2014).

(8) The Competition Appeal Tribunal Rules 2015 have effect without the modifications made by paragraph 8 of Schedule 2 to these Regulations, except for the modifications made by sub-paragraphs (4), (5) and (6) of that paragraph.

(9) References in sub-paragraph (4)(a) to a decision by a Member State competition authority are to be interpreted in accordance with paragraph 3(6) of Schedule 8A to the 1998 Act (see paragraph (c) of that provision).

Textual Amendments

- F37** Words in Sch. 4 para. 7(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(a)**
- F38** Words in Sch. 4 para. 7(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(a)**
- F39** Words in Sch. 4 para. 7(3)(b) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(b)**
- F40** Words in Sch. 4 para. 7(4)(a) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(c)**
- F41** Word in Sch. 4 para. 7(4)(b)(i)-(iv) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(d)(i)**
- F42** Words in Sch. 4 para. 7(4)(b)(i)-(iv) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(d)(ii)**
- F43** Words in Sch. 4 para. 7(6) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(e)**
- F44** Sch. 4 para. 7(6A) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(3)(f)**

Commencement Information

- I40** Sch. 4 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M45** Section 16 was amended by paragraph 81(a) of Schedule 9 to the [Crime and Courts Act 2013 \(c. 22\)](#), [paragraph 21](#) of Schedule 8 to the Consumer Rights Act 2015 and [S.I. 2012/1809](#).

^[F45] **Appropriate level of a penalty** **U.K.**

7A.—(1) This paragraph applies where—

- (a) before IP completion day, a penalty or a fine has been imposed by the European Commission, or a court or other body in another Member State, in respect of an agreement or conduct; or
- (b) on or after IP completion day, a penalty or fine has been imposed by the European Commission in respect of an agreement or conduct in relation to which it has continued competence in accordance with Article 92 of the EU withdrawal agreement.

(2) The CMA, the Tribunal or the appropriate court must take that penalty or fine into account when setting the amount of penalty under Part 1 of the 1998 Act in relation to that agreement or conduct.

(3) In sub-paragraph (2), “the appropriate court” means—

- (a) in relation to England and Wales, the Court of Appeal;
- (b) in relation to Scotland, the Court of Session;
- (c) in relation to Northern Ireland, the Court of Appeal in Northern Ireland;
- (d) the Supreme Court.]

Textual Amendments

F45 Sch. 4 para. 7A inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(4)**

Commencement Information

I41 Sch. 4 para. 7A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

^[F46] **Cases subject to relevant separation agreement law** **U.K.**

^[F47]**8.**—(1) In this paragraph and paragraphs 8A and 8B—

“Regulation 1/2003” 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 as it has effect from time to time for the purposes of relevant separation agreement law; and

“relevant decision” means—

a decision adopted by the European Commission pursuant to article 7(1) of Regulation 1/2003; or

a decision adopted by the European Commission pursuant to article 9(1) of Regulation 1/2003.

(2) This paragraph applies where before IP completion day—

- (a) under article 11(6) of Regulation 1/2003, the CMA was relieved of competence to apply one or both of articles 101 (in relation to an agreement) or 102 (in relation to conduct), by the European Commission initiating proceedings in relation to that agreement or conduct;
- (b) the European Commission had made a relevant decision; and
- (c) the relevant decision has not been annulled in full or in part by the European Court insofar as it related to—

- (i) the finding of an infringement or making of any directions in a decision adopted pursuant to article 7(1) of Regulation 1/2003; or

- (ii) commitments accepted under a decision adopted pursuant to article 9(1) of Regulation 1/2003.
- (3) On and after IP completion day the CMA must not—
- (a) accept a commitment under section 31A of the 1998 Act in relation to the agreement or conduct to which the relevant decision relates;
 - (b) give a direction under section 32 of the 1998 Act in relation to the agreement to which the relevant decision relates; or
 - (c) give a direction under section 33 of the 1998 Act in relation to the conduct to which the relevant decision relates;

which conflicts with any remedial directions given or commitments made binding by the relevant decision.

Textual Amendments

- F46** Sch. 4 para. 8 heading substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(5)**
- F47** Sch. 4 paras. 8-8B substituted for Sch. 4 para. 8 (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(6)**

Commencement Information

- I42** Sch. 4 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

8A.—(1) This paragraph applies where on and after IP completion day the European Commission has continued competence in relation to an investigation into an agreement, decision, concerted practice or abuse of a dominant position under Regulation 1/2003 in accordance with article 92 of the EU withdrawal agreement.

(2) While the Commission’s investigation is ongoing, the CMA must not open or re-open any investigation by virtue of section 25(2), (4) or (6) of the 1998 Act into the competition concerns with which the Commission’s investigation is concerned.

(3) Nothing in sub-paragraph (2) prevents the CMA from opening an investigation by virtue of section 25(2), (4) or (6) into competition concerns relating to an agreement, decision, concerted practice or abuse of a dominant position insofar as those concerns relate to the effects arising from the agreement, decision, concerted practice or abuse of a dominant position on and after IP completion day.

Textual Amendments

- F47** Sch. 4 paras. 8-8B substituted for Sch. 4 para. 8 (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(6)**

Commencement Information

- I43** Sch. 4 para. 8A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

8B.—(1) This paragraph applies where on and after IP completion day the European Commission has continued competence in relation to an investigation under regulation 1/2003 in accordance with article 92 of the EU withdrawal agreement and—

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)

- (a) the European Commission has made a relevant decision;
- (b) the relevant decision has not been annulled in full or in part by the European Court insofar as it related to—
 - (i) the finding of an infringement or making of any directions in a decision adopted pursuant to article 7(1) of Regulation 1/2003; or
 - (ii) commitments accepted under a decision adopted pursuant to article 9(1) of Regulation 1/2003.
- (2) On and after IP completion day the CMA must not—
 - (a) accept a commitment under section 31A of the 1998 Act in relation to the agreement or conduct to which the relevant decision relates;
 - (b) give a direction under section 32 of the 1998 Act in relation to the agreement to which the relevant decision relates; or
 - (c) give a direction under section 33 of the 1998 Act in relation to the conduct to which the relevant decision relates;

which conflicts with any directions given or commitments made binding by the relevant decision.]

Textual Amendments

F47 Sch. 4 paras. 8-8B substituted for Sch. 4 para. 8 (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(6)**

Commencement Information

I44 Sch. 4 para. 8B in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

PART 4 U.K.

Inspections and investigations under Parts 2 and 2A of the 1998 Act

[^{F48}8C.—(1) This paragraph applies where, on or after IP completion day, the European Commission has ordered an Article 20 inspection, an Article 21 inspection, or an Article 22(2) inspection (as defined in section 61 of the 1998 Act) in relation to a case in which it has continued competence in accordance with Article 92 of the EU withdrawal agreement.

(2) Despite its repeal by these Regulations, Part 2 of the 1998 Act continues to have effect on and after IP completion day.

(3) Part 4 of the 1998 Act has effect—

- (a) as if, in subsection 72(1), after “sections 42 to 44” there were inserted “or 65”;
- (b) without the modifications made by regulations 26(3) and (4) of these Regulations;
- (c) as if section 73(8)(b) read “that may be conferred by a warrant under section 28, 28A, 62, 62A or 63”;
- (d) without the modification made by regulation 27 of these Regulations.

(4) The Schedule to the Competition Act 1998 (Competition and Markets Authority’s Rules) Order 2014 has effect—

- (a) as if, in rule 2, paragraph (1) read—

“These Regulations apply when the CMA takes investigation or enforcement action under the Act in relation to the Chapter I prohibition or the Chapter II prohibition, or investigation action under Part 2 of the Act in relation to the prohibition in Article 101(1) or Article 102”; and

- (b) without the modifications made by paragraph 4(4) of Schedule 2 to these Regulations.]

Textual Amendments

F48 Sch. 4 para. 8C inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **37(2)**

Commencement Information

I45 Sch. 4 para. 8C in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

9. [F49On and after IP completion day]—

- (a) [F50except in relation to cases in which the European Commission has continued competence in accordance with Article 92 of the EU withdrawal agreement,] the CMA and other persons may not take or continue any action for the purposes of, or in connection with, an Article 20 inspection, an Article 21 inspection or an Article 22(2) inspection (as defined in section 61 of the 1998 Act ^{M46}) in reliance on Part 2 of the 1998 Act; and
- (b) the CMA may not continue an Article 22(1) investigation (as defined in section 65C(1) of the 1998 Act ^{M47}).

Textual Amendments

F49 Words in Sch. 4 para. 9 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **37(3)(a)**

F50 Words in Sch. 4 para. 9(a) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **37(3)(b)**

Commencement Information

I46 Sch. 4 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M46 Section 61 was amended by paragraphs 1 and 4 of Schedule 13 to, and paragraphs 1 and 40 of Schedule 5 to, the Enterprise and Regulatory Reform Act 2013 and [S.I. 2012/1809](#).

M47 Section 65C(1) was inserted by [S.I. 2004/1261](#) and amended by paragraphs 1 and 45 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

10. A warrant issued and in force under section 62(1) ^{M48}, 62A(1) ^{M49}, 63(1) ^{M50}, 65G(1) ^{M51} or 65H(1) ^{M52} of the 1998 Act ceases to have effect on [F51IP completion day, except where the warrant relates to a case in which the European Commission has continued competence in accordance with article 92 of the EU withdrawal agreement].

Textual Amendments

F51 Words in Sch. 4 para. 10 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **37(4)**

Commencement Information

I47 Sch. 4 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M48 Section 62(1) was amended by paragraphs 1 and 5 of Schedule 13 to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2004/1261](#).

M49 Section 62A(1) was inserted by [S.I. 2004/1261](#) and amended by paragraphs 1 and 6 of Schedule 13 to the Enterprise and Regulatory Reform Act 2013.

M50 Section 63(1) was amended by paragraphs 1 and 44 of Schedule 5 to, and paragraphs 1 and 7 of Schedule 13 to the Enterprise and Regulatory Reform Act 2013, and by [S.I. 2004/1261](#).

M51 Section 65G(1) was inserted by [S.I. 2004/1261](#) and amended by paragraphs 1 and 9 of Schedule 13 to, and paragraphs 1 and 49 of Schedule 5 to, the Enterprise and Regulatory Reform Act 2013.

M52 Section 65H(1) was inserted by [S.I. 2004/1261](#) and amended by paragraphs 1 and 10 of Schedule 13 to, and paragraphs 1 and 50 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

11. A notice given under section 65E(2)^{M53} or 65F(2)^{M54} of the 1998 Act ceases to have effect on [^{F52}IP completion day].

Textual Amendments

F52 Words in Sch. 4 para. 11 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **37(5)**

Commencement Information

I48 Sch. 4 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M53 Section 65E(2) was inserted by [S.I. 2004/1261](#).

M54 Section 65F(2) was inserted by [S.I. 2004/1261](#).

12. Despite their repeal by these Regulations, sections 65B^{M55} and 65K^{M56} of the 1998 Act (use of statements in prosecution) continue to have effect on and after [^{F53}IP completion day] in relation to statements made before [^{F53}IP completion day].

Textual Amendments

F53 Words in Sch. 4 para. 12 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **37(5)**

Commencement Information

I49 Sch. 4 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Marginal Citations

M55 Section 65B was inserted by [S.I. 2004/1261](#).

M56 Section 65K was inserted by [S.I. 2004/1261](#).

PART 5 **U.K.**

Redress schemes further to European Commission decisions

13.—^[F54](1) This paragraph applies where—

- (a) before IP completion day, the European Commission has made a decision that the prohibition in Article 101(1) or Article 102 has been infringed; or
- (b) the European Commission has made a decision that the prohibition in Article 101(1) or Article 102 has been infringed after IP completion day in a case in which it had continued competence in accordance with article 92 of the EU withdrawal agreement.]

(2) In relation to schemes offering compensation in consequence of the decision, and applications for the approval of such schemes, on and after ^[F55]IP completion day], in connection with the decision, the enactments mentioned in paragraph 7(3) to (8) have effect as described there.

Textual Amendments

F54 Sch. 4 para. 13(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **38(2)(a)**

F55 Words in Sch. 4 para. 13(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **38(2)(b)**

Commencement Information

I50 Sch. 4 para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

PART 6 **U.K.**

Court and tribunal proceedings relating to competition

^[F56]**Interpretation** **U.K.**

13A. In this Part of this Schedule—

“domestic competition infringement” means an infringement or alleged infringement of the Chapter I prohibition or the Chapter II prohibition (in each case as defined in section 59 of the 1998 Act);

“EU competition infringement” means an infringement or alleged infringement of—

- (a) the prohibition in Article 101(1) of the Treaty on the Functioning of the European Union,
- (b) the prohibition in Article 102 of that Treaty,
- (c) the prohibition in Article 53 of the European Economic Area Agreement, or
- (d) the prohibition in Article 54 of that Agreement.]

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)

Textual Amendments

F56 Sch. 4 para. 13A inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(2)**

Commencement Information

I51 Sch. 4 para. 13A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Claims before a court or tribunal relating to [F57 pre-IP completion day] EU competition infringements [U.K.](#)

14.—^{F58}(1)

(2) Where an EU competition infringement occurs before [F59 IP completion day], on and after [F59 IP completion day] a person may—

- (a) continue any claim (or defence to a claim) in relation to that infringement in proceedings before a court or tribunal in the United Kingdom, and
- (b) make any claim (or defence to a claim) in relation to that infringement in proceedings before a court or tribunal in the United Kingdom which the person could have made before [F59 IP completion day].

(3) The reference in sub-paragraph (2)(b) to a claim which a person could have made before [F59 IP completion day] includes a claim which the person could have made if any loss or damage to which the claim relates had arisen before [F59 IP completion day] (whether or not it did so).

(4) Where a person has acquired the right to make a claim from another person (whether by operation of law or otherwise), the reference in sub-paragraph (2)(b) to a claim which a person could have made before [F59 IP completion day] includes a claim which that other person could have made before [F59 IP completion day].

Textual Amendments

F57 Words in Sch. 4 para. 14 heading substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(3)**

F58 Sch. 4 para. 14(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(4)(a)**

F59 Words in Sch. 4 para. 14 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(4)(b)**

Commencement Information

I52 Sch. 4 para. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

15.—[F60(1)] In relation to claims (and defences to claims) described in paragraph 14(2) the enactments mentioned in paragraph 7(3) to (8) have effect as described there.

[F61(2) Sub-paragraph (1) continues to apply if the claim (or defence to a claim) includes a claim (or defence to a claim) in respect of loss or damage arising from a domestic competition infringement that occurred before IP completion day including if that domestic competition infringement continues on or after IP completion day.]

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)

Textual Amendments

- F60** Sch. 4 para. 15 renumbered as Sch. 4 para. 15(1) (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(5)(a)**
- F61** Sch. 4 para. 15(2) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(5)(b)**

Commencement Information

- I53** Sch. 4 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

16. Where, before [^{F62}IP completion day], a reference has been made in proceedings by the Competition Appeal Tribunal to the European Court under rule 109 of the Competition Appeal Tribunal Rules 2015 and no preliminary ruling has been made, any stay (or in Scotland, sist) under rule 109(3) is to continue on and after [^{F62}IP completion day] unless or until the Tribunal otherwise directs.

Textual Amendments

- F62** Words in Sch. 4 para. 16 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(6)**

Commencement Information

- I54** Sch. 4 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Claims before a court or tribunal relating to [^{F63}pre-IP completion day] domestic competition infringements **U.K.**

17.—^{F64}(1)

[^{F65}(2) This paragraph applies to a claim (or defence to a claim)—

- (a) which is in respect of loss or damage arising from a domestic competition infringement that occurred before IP completion day including if that infringement continues on or after IP completion day;
- (b) which is not included in a claim (or defence to a claim) described in paragraph 14(2).]

[^{F66}(3) On and after IP completion day, in relation to proceedings before a court or tribunal relating to a claim (or defence to a claim) to which this paragraph applies, the enactments mentioned in paragraphs 7(3) to (8) have effect as described there.]

Textual Amendments

- F63** Words in Sch. 4 para. 17 heading substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(7)**
- F64** Sch. 4 para. 17(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(8)(a)**
- F65** Sch. 4 para. 17(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(8)(b)**
- F66** Sch. 4 para. 17(3) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **39(8)(c)**

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)

Commencement Information

I55 Sch. 4 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

[^{F67}PART 6A U.K.]

Concentrations subject to EU Controls in accordance with the EU withdrawal agreement

Textual Amendments

F67 Sch. 4 Pt. 6A inserted (31.12.2020 immediately before IP completion day) by **The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343)**, **regs. 1(1), 40(2)**

17A.—(1) On and after IP completion day, to the extent to which an agreement (either on its own or when taken together with another agreement) gives rise to, or would if carried out give rise to, a concentration, the prohibition in section 2 of the 1998 Act does not apply to the agreement if the European Commission has exclusive jurisdiction in the matter in accordance with Article 92 of the EU withdrawal agreement.

(2) On and after IP completion day, to the extent to which conduct (either on its own or when taken together with other conduct) gives rise to, or would if pursued give rise to, a concentration, the prohibition in section 18 of the 1998 Act does not apply to the conduct if the European Commission has exclusive jurisdiction in the matter in accordance with Article 92 of the EU withdrawal agreement.

(3) In this paragraph, “concentration” means a concentration with a Community dimension within the meaning of Articles 1 and 3 of Council Regulation (EC) No 139/2004 of 20th January 2004.]

Commencement Information

I56 Sch. 4 para. 17A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

PART 7 U.K.]

Enterprise Act 2002 [^{F68}and other merger control legislation]

Textual Amendments

F68 Words in Sch. 4 Pt. 7 heading inserted (31.12.2020 immediately before IP completion day) by **The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343)**, **regs. 1(1), 42**

Interpretation U.K.]

18.—(1) In this Part of this Schedule—

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)

“the 2003 Order” means the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003^{M57};

“EC Merger Regulation” means Council Regulation (EC) 139/2004^{M58} on the control of concentrations between undertakings as it has effect in EU law [^{F69}from time to time];

“enterprise” has the meaning given by section 129 of the 2002 Act;

“European relevant merger situation” has the meaning given by section 68(2) of the 2002 Act.

(2) For the purposes of this Part of this Schedule the EU merger decision has been taken in relation to a concentration if—

- (a) the European Commission has made a decision in relation to the concentration under Article 6(1)(b) or 8(1), (2) or (3) of the EC Merger Regulation; or
- (b) the concentration is deemed to have been declared compatible with the internal market under Article 10(6) of that Regulation.

Textual Amendments

F69 Words in Sch. 4 para. 18 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **43**

Commencement Information

I57 Sch. 4 para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

M57 [S.I. 2003/1592](#); relevant amending instruments are SI 2003/3180 and S.I. 2014/891.

M58 O.J. L 24, 29.1.2004, p. 1.

PROSPECTIVE

Cases decided under the EC Merger Regulation before exit day **U.K.**

^{F70}**19.**

Textual Amendments

F70 Sch. 4 para. 19 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **44**

[^{F71}EU merger decisions annulled in full or in part **U.K.**

19A.—(1) This paragraph applies if, on or after IP completion day, a decision by the European Commission in relation to a continued competence concentration is annulled in full or in part by the European Court and European Commission or the European Court makes a binding decision that the European Commission is not competent—

- (a) to re-examine the concentration concerned under Article 10(5) of the EC Merger Regulation; or

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)

- (b) to consider as part of such a re-examination any effects of the concentration concerned on competition within a market or markets in the United Kingdom.
- (2) Nothing in the EU withdrawal agreement is to be taken as preventing the following in relation to the concentration concerned—
- (a) a reference being made under section 22 or 33 of the 2002 Act;
 - (b) an intervention notice being given under section 42 of the 2002 Act;
 - (c) a reference being made under section 45 of the 2002 Act.
- (3) The European Commission and the European Court are to be treated as having made a binding decision for the purposes of sub-paragraph (1)(a) or (b) when—
- (a) the decision or other document containing a decision to that effect or from which a decision to that effect may reasonably be inferred is published; and
 - (b) the decision becomes final.
- (4) A decision of the European Commission becomes final—
- (a) when the time for appealing against it in the European Court expires without an appeal having been brought; or
 - (b) where an appeal has been brought against the decision, when—
 - (i) the appeal and any further appeal in the European Court in relation to the decision has been decided or has otherwise ended; and
 - (ii) the time for appealing against the result of the appeal or further appeal in the European Court has expired without another appeal having been brought.
- (5) A decision by the European Court becomes final—
- (a) when the time for appealing against it expires without an appeal having been brought; or
 - (b) where an appeal has been brought against the decision, when the appeal in relation to the decision has been decided or has otherwise ended.
- (6) On and after IP completion day, despite their repeal by these Regulations, subsections (3) to (5) of section 122 of the 2002 Act continue to have effect in relation to the concentration concerned except that the condition mentioned in section 122(4) is to be treated as being satisfied during the period starting on IP completion day and ending on the day the binding decision referred to in sub-paragraph (1)(a) or (b) is made by the European Commission or the European Court (as the case may be).
- (7) In this paragraph, “continued competence concentration” means a concentration—
- (a) in relation to which the EU merger decision was taken before IP completion day; or
 - (b) in relation to which the European Commission has continued competence as regards the United Kingdom on and after IP completion day in accordance with Article 92 of the EU withdrawal agreement.]

Textual Amendments

F71 Sch. 4 para. 19A inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **45**

Commencement Information

I58 Sch. 4 para. 19A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Article 22 cases referred to but not decided by the European Commission before [F72]IP completion day [U.K.]

20.—(1) This paragraph applies in a case in which immediately before [F73]IP completion day] the CMA—

- (a) has given a notice under section 25(6) of the 2002 Act to persons carrying on enterprises which have or may have ceased to be distinct extending the four month period mentioned in section 24(1)(a) or (2)(b) of that Act ^{M59} following a request made to the European Commission by the United Kingdom under Article 22(1) of the EC Merger Regulation, but
- (b) has not given a notice under section 25(8) of that Act ending that extension.

(2) Subsections (6) to (8) of section 25 of the 2002 Act continue to have effect in relation to the extension under section 25(6) of that Act, despite their repeal by regulation 35(a).

(3) Section 25(10) of that Act continues to have effect in relation to that extension without the modification made by regulation 35(b).

(4) If, immediately before [F74]IP completion day], the European Commission has not completed its consideration of the request of the United Kingdom, section 25(8) of that Act, as it continues to have effect by virtue of this paragraph, has effect as if for “of the completion by the European Commission of its consideration of” there were substituted “ that the EC Merger Regulation has ceased to apply to ”.

Textual Amendments

- F72** Words in Sch. 4 para. 20 heading substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 46](#)
- F73** Words in Sch. 4 para. 20(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 46](#)
- F74** Words in Sch. 4 para. 20(4) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 46](#)

Commencement Information

- I59** Sch. 4 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M59** Section 24 was amended by paragraphs 59 and 69 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

PROSPECTIVE

F7521.

Textual Amendments

- F75** Sch. 4 para. 21 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 47](#)

22.—(1) This paragraph applies in a case in which immediately before [F76]IP completion day] the CMA—

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)

- (a) has given a notice under section 34ZB(5) of the 2002 Act, extending the initial period mentioned in section 34ZA(1) of that Act, following a request made to the European Commission by the United Kingdom under Article 22(1) of the EC Merger Regulation, but
 - (b) has not given notice as mentioned in section 34ZB(8)(b) of that Act ending that extension.
- (2) Subsections (5) and (8) of section 34ZB of the 2002 Act continue to have effect in relation to the extension under section 34ZB(5) of that Act, despite their repeal by regulation 39.
- (3) Section 34ZC(1), (3) and (4) of that Act continues to have effect in relation to that extension without the modifications made by regulation 40.
- (4) If, immediately before [^{F77}IP completion day], the European Commission has not completed its consideration of the request of the United Kingdom, section 34ZB(8)(b) of that Act, as it continues to have effect by virtue of this paragraph, has effect as if for “of the completion by the European Commission of its consideration of” there were substituted “ that the EC Merger Regulation has ceased to apply to ”.

Textual Amendments

F76 Words in Sch. 4 para. 22(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), 48

F77 Words in Sch. 4 para. 22(4) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), 48

Commencement Information

I60 Sch. 4 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

PROSPECTIVE

^{F78}**23.**

Textual Amendments

F78 Sch. 4 para. 23 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), 49

Cases referred by the European Commission to the CMA ^{F79} ... U.K.

- 24.**—(1) This paragraph applies [^{F80}if]—
- (a) the European Commission has by a decision referred the whole or part of a case to the CMA under Article 4(4) or 9 of the EC Merger Regulation, or is deemed to have taken such a decision; and
 - (b) [^{F81}in a case in which the decision to refer was taken, or is deemed to have been taken, before IP completion day,] the preliminary assessment period in relation to the case has not ended.
- (2) In relation to the case—
- (a) sections 34A, 46A, 46B and 122(3) to (5) of the 2002 Act continue to have effect despite their repeal by Part 3 of these Regulations, and

- (b) sections 34ZA, 73A, 107 and 110B continue to have effect without the modifications made by regulations 38, 48, 50 and 51.
- (3) References to the EC Merger Regulation in any provision which continues to have effect by virtue of sub-paragraph (2) have the meaning given by paragraph 18.
- (4) In sub-paragraph (1), “the preliminary assessment period” has the meaning given by—
 - (a) section 46A(4) of the 2002 Act, in any case where an intervention notice (as defined in section 42(2) of the 2002 Act) is in force; and
 - (b) section 34A(4) of that Act, in any other case.

Textual Amendments

- F79** Words in Sch. 4 para. 24 heading omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **50(3)**
- F80** Word in Sch. 4 para. 24(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **50(2)(a)**
- F81** Words in Sch. 4 para. 24(1)(b) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **50(2)(b)**

Commencement Information

- I61** Sch. 4 para. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Intervention to protect legitimate interests: no European intervention notice before ^{F82}IP completion] **U.K.**

- 25.**—(1) This paragraph applies in a case in which immediately before ^{F83}IP completion day]—
- (a) a concentration has been examined by the European Commission under the EC Merger Regulation and the EU merger decision has been taken in relation to the concentration;
 - (b) the conditions specified in section 67(1) of the 2002 Act are met in relation to the concentration concerned; and
 - (c) the Secretary of State has not made a decision to give an intervention notice under ^{F84}section 67(2) of the 2002 Act].
- (2) The old legitimate interests law continues to have effect on and after ^{F85}IP completion day] in relation to the concentration concerned except that the conditions in section ^{F86}67(1)(a)(ii), (b) and (c)] are treated as being met on and after ^{F85}IP completion day].
- (3) In this paragraph “the old legitimate interests law” means—
- (a) sections 67 and 68 of the 2002 Act;
 - (b) the Enterprise Act 2002 (Anticipated Mergers) Order 2003 ^{M60} without the modification made by paragraph 6(2) of Schedule 2 to these Regulations; and
 - (c) the 2003 Order.

Textual Amendments

- F82** Words in Sch. 4 para. 25 heading substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **51(4)**
- F83** Words in Sch. 4 para. 25(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **51(2)(a)**

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)

- F84** Words in Sch. 4 para. 25(1)(c) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 51\(2\)\(b\)](#)
- F85** Words in Sch. 4 para. 25(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 51\(3\)\(a\)](#)
- F86** Words in Sch. 4 para. 25(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 51\(3\)\(b\)](#)

Commencement Information

- I62** Sch. 4 para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Marginal Citations

- M60** [S.I. 2003/1595](#), to which there is an amendment not relevant to these Regulations.

- [^{F87}25A.—(1) This paragraph applies in a case where immediately before IP completion day—
- (a) a concentration is being examined by the European Commission but the EU merger decision has not been taken in relation to the concentration, and
 - (b) the Secretary of State has not made a decision to give an intervention notice under section 67(2) of the 2002 Act in relation to the concentration concerned.
- (2) The old legitimate interests law continues to have effect on and after IP completion day in relation to the case concerned except that—
- (a) the references to “EU law” in sections 67(1)(b) and 68(2)(c) of the 2002 Act are to be read as references to “relevant separation agreement law” within the meaning of section 7C of the European Union (Withdrawal Agreement) Act 2020; and
 - (b) references to the EC Merger Regulation in sections 67 and 68 of the 2002 Act have the meaning given by paragraph 18.
- (3) In this paragraph—
- (a) “the old legitimate interests law” has the same meaning as in paragraph 25; and
 - (b) a concentration is being examined by the European Commission if proceedings under the EC Merger Regulation in relation to the concentration have been initiated for the purposes of Article 92 of the EU withdrawal agreement.]

Textual Amendments

- F87** Sch. 4 para. 25A inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 52](#)

Commencement Information

- I63** Sch. 4 para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Intervention to protect legitimate interests: European intervention notice before [^{F88}IP completion day] **U.K.**

- 26.**—(1) This paragraph applies in a case in which immediately before [^{F89}IP completion day]—
- (a) the Secretary of State has given a notice to the CMA under section 67(2) of the 2002 Act in relation to a European relevant merger situation; and

- (b) the matter to which the notice relates has been finally determined in accordance with article 3 of the 2003 Order.
- (2) The old legitimate interests law continues to have effect on and after [^{F90}IP completion day in connection with the matter to which the notice relates].
- (3) In this paragraph, “the old legitimate interests law” has the same meaning as in paragraph 25.

Textual Amendments

- F88** Words in Sch. 4 para. 26 heading substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 53\(4\)](#)
- F89** Words in Sch. 4 para. 26(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 53\(2\)](#)
- F90** Words in Sch. 4 para. 26(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 53\(3\)](#)

Commencement Information

- I64** Sch. 4 para. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

- 27.—(1) This paragraph applies in a case in which immediately before [^{F91}IP completion day]—
 - (a) the Secretary of State has given a notice to the CMA under section 67(2) of the 2002 Act in relation to a European relevant merger situation; [^{F92}and]
 - (b) the matter to which the notice relates has not been finally determined in accordance with article 3 of the 2003 Order; ^{F93}...
 - ^{F93}(c)
- (2) The old legitimate interests law continues to have effect on and after [^{F94}IP completion day] in connection with the matter to which the notice relates [^{F95}except that in section 68(2) of the 2002 Act—
 - (a) the reference to “EU law” includes a reference to “relevant separation agreement law” within the meaning of section 7C of the European Union (Withdrawal Agreement) Act 2020; and
 - (b) the reference to the EC Merger Regulation has the meaning given by paragraph 18.]
- (3) In this paragraph, “the old legitimate interests law” has the same meaning as in paragraph 25.

Textual Amendments

- F91** Words in Sch. 4 para. 27(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 54\(2\)\(a\)](#)
- F92** Word in Sch. 4 para. 27(1)(a) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 54\(2\)\(b\)](#)
- F93** Sch. 4 para. 27(1)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 54\(2\)\(c\)](#)
- F94** Words in Sch. 4 para. 27(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 54\(3\)\(a\)](#)
- F95** Words in Sch. 4 para. 27(2) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\), regs. 1\(1\), 54\(3\)\(b\)](#)

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)

Commencement Information

I65 Sch. 4 para. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

- 28.**—(1) This paragraph applies in a case in which immediately before [^{F96}IP completion day]—
- (a) the Secretary of State has given a notice to the CMA under section 67(2) of the 2002 Act in relation to a European relevant merger situation;
 - (b) the matter to which the notice relates has not been finally determined in accordance with article 3 of the 2003 Order; and
 - [^{F97}(c) proceedings under the EC Merger Regulation in relation to the concentration concerned have not been initiated for the purposes of Article 92 of the EU withdrawal agreement.]
- (2) On and after [^{F98}IP completion day]—
- (a) the notice under section 67(2) of the 2002 Act has effect as if it were a notice under section 42(2) of that Act, and
 - (b) Part 3 of the 2002 Act has effect in relation to the case ^{F99}....
- (3) In sub-paragraph (2), the reference to Part 3 of the 2002 Act—
- (a) includes provision made under that Part; and
 - (b) is a reference to that Part and provision made under it as modified by these Regulations.

Textual Amendments

- F96** Words in Sch. 4 para. 28(1) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), **regs. 1(1), 55(2)(a)**
- F97** Sch. 4 para. 28(1)(c) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), **regs. 1(1), 55(2)(b)**
- F98** Words in Sch. 4 para. 28(2) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), **regs. 1(1), 55(3)(a)**
- F99** Words in Sch. 4 para. 28(2)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), **regs. 1(1), 55(3)(b)**

Commencement Information

I66 Sch. 4 para. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

PROSPECTIVE

^{F100}**29.**

Textual Amendments

F100 Sch. 4 paras. 29-33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), **regs. 1(1), 56**

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)

PROSPECTIVE

^{F100}30.

Textual Amendments

F100 Sch. 4 paras. 29-33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **56**

PROSPECTIVE

^{F100}31.

Textual Amendments

F100 Sch. 4 paras. 29-33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **56**

PROSPECTIVE

^{F100}32.

Textual Amendments

F100 Sch. 4 paras. 29-33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **56**

PROSPECTIVE

^{F100}33.

Textual Amendments

F100 Sch. 4 paras. 29-33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **56**

General savings **U.K.**

34.—(1) On and after [^{F101}IP completion day], despite their repeal by these Regulations, subsections (3) to (5) of section 122 of the 2002 Act continue to have effect in relation to any case where enterprises ceased to be distinct before [^{F101}IP completion day], other than in a case falling within paragraph 19(1) in relation to which sub-paragraph (2) of that paragraph has effect.

(2) In its continued application by virtue of sub-paragraph (1), section 122(4) has effect as if the reference in that subsection to the “EC Merger Regulation or anything done under or in accordance

with them” were a reference to Council Regulation (EC) 139/2004 on the control of concentrations between undertakings as it has effect in EU law before [^{F101}IP completion day] or anything done under or in accordance with that instrument before [^{F101}IP completion day].

Textual Amendments

F101 Words in Sch. 4 para. 34 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **57**

Commencement Information

I67 Sch. 4 para. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

35. The repeal of section 209 of the 2002 Act does not affect the validity of any provision made under that section before [^{F102}IP completion day].

Textual Amendments

F102 Words in Sch. 4 para. 35 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **57**

Commencement Information

I68 Sch. 4 para. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

[^{F103}**35A.**—(1) Section 240 of the 2002 Act continues to have effect in respect of continued competence cases despite its repeal by regulation 59.

(2) In any case where section 240 of the 2002 Act continues to have effect by virtue of this paragraph, the reference in that section to an EU obligation is to be treated as a reference to an obligation which arises by virtue of relevant separation agreement law.

(3) In this paragraph—

“continued competence cases” means proceedings for the application of Article 101 or 102 TFEU conducted by the European Commission under Regulation 1/2003 and proceedings in connection with the control of concentrations between undertakings governed by Regulation 139/2004, for which the European Commission has competence on and after IP completion day by virtue of Part 3 of the EU withdrawal agreement;

“Regulation 1/2003” means Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, as it has effect from time to time for the purposes of relevant separation agreement law;

“Regulation 139/2004” means Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings as it has effect from time to time for the purposes of relevant separation agreement law.

Textual Amendments

F103 Sch. 4 paras. 35A, 35B inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **58**

Commencement Information

I69 Sch. 4 para. 35A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

EEC Merger Control (Distinct Market Investigations) Regulations 1990 **U.K.**

35B.—(1) This paragraph applies where, on or after IP completion day, the European Commission has requested information under the second sentence of Article 19(2) of the EC Merger Regulation in relation to a case for which it has continued competence in accordance with Article 92 of the EU withdrawal agreement.

(2) The EEC Merger Control (Distinct Market Investigations) Regulations 1990 continue to have effect on and after IP completion day in relation to the case despite their repeal by these Regulations.]

Textual Amendments

F103 Sch. 4 paras. 35A, 35B inserted (31.12.2020 immediately before IP completion day) by The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343), regs. 1(1), 58

Commencement Information

I70 Sch. 4 para. 35B in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

PART 8 **U.K.**

Company Directors Disqualification Legislation

36.—(1) This paragraph applies where an undertaking engages in conduct which infringes Article 101 or 102 of the Treaty of the Functioning of the European Union before [^{F104}IP completion day].

(2) On and after [^{F104}IP completion day]—

- (a) section 9A of the Company Directors Disqualification Act 1986 has effect without the modifications made by paragraph 1(1) to (3) of Schedule 1 to these Regulations; and
- (b) Article 13A of the Company Directors Disqualification (Northern Ireland) Order 2002 has effect without the modifications made by paragraph 10(1) to (3) of Schedule 1 to these Regulations.

Textual Amendments

F104 Words in Sch. 4 para. 36 substituted (31.12.2020 immediately before IP completion day) by The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343), regs. 1(1), 59(2)

Commencement Information

I71 Sch. 4 para. 36 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

Changes to legislation:

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