
STATUTORY INSTRUMENTS

2020 No. 1343

The Competition (Amendment etc.) (EU Exit) Regulations 2020

PART 7

Amendment of Part 7 of the 2019 Regulations: saving and transitional provision

CHAPTER 2

Enterprise Act 2002 and other merger control legislation

General savings

58. After paragraph 35 insert—

“**35A.**—(1) Section 240 of the 2002 Act⁽¹⁾ 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.

EEC Merger Control (Distinct Market Investigations) Regulations 1990

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.

(1) As amended by [S.I. 2011/1043](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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