

SCHEDULE 4

Regulation 64

Saving and transitional provision

PART 1

Interpretation

Interpretation

1. In this Schedule—

“the 1998 Act” means the Competition Act 1998;

“the 2002 Act” means the Enterprise Act 2002 ^{M1};

“the CMA” means the Competition and Markets Authority.

Commencement Information

II 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

M1 2002 c. 40.

PART 2

Exemptions from the Chapter 1 prohibition

Pre-existing agreements exempt by virtue of an EU decision

2.—(1) This paragraph applies if—

(a) immediately before [^{F1}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 ^{M2}; and

(b) the decision (as it has effect in EU law) has not expired or been revoked under EU law.

(2) On and after [^{F1}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).

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Textual Amendments

F1 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

I2 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

M2 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

F23.

Textual Amendments

F2 [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

CMA investigations under Part 1 of the 1998 Act

Interpretation

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) ^{M3} of the 1998 Act (suspension of investigation where commitments given under section 31A ^{M4} 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 ^{M5}).

Commencement Information

I3 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\(1\)](#)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Marginal Citations

- M3** 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.
- M4** 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.
- M5** 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

5. Where the CMA is conducting an investigation immediately before [F³IP completion day], it may not continue any EU elements of the investigation on and after [F³IP completion day].

Textual Amendments

- F3** 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

- I4** 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 [F⁴IP completion day], the CMA is conducting an investigation which has both domestic elements and EU elements.

(2) Anything done before [F⁴IP completion day] for the purposes of, or in connection with, the EU elements of the investigation is to be treated, on and after [F⁴IP 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 [F⁴IP completion day]—

- (a) a notice validly issued before [F⁴IP completion day] under section 26 ^{M6}, 26A ^{M7}, or 27 ^{M8} 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 [F⁴IP completion day] under section 28 ^{M9} or 28A ^{M10} 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 [F⁴IP 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 [F⁴IP completion day] for the purposes of addressing a competition concern identified during the course of the

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EU elements of the investigation, and not released before [^{F4}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 [^{F4}IP completion day] a notice given before [^{F4}IP completion day] under section 31(1) ^{M11} 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

F4 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

I5 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

M6 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](#).

M7 Section 26A was inserted by section 39 of the Enterprise and Regulatory Reform Act 2013.

M8 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](#).

M9 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](#).

M10 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.

M11 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

7.—(1) This paragraph applies where, before [^{F5}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 [^{F6}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) [^{F7}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—

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- (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 [F8IP completion day];
- (b) paragraph 21(3) of Schedule 8A to the 1998 Act has effect as if—
- (i) in [F9paragraph] (a), after “if the competition authority makes a decision” there were inserted “ before [F10IP completion day] ”;
 - (ii) the “and” at the end of [F9paragraph] (a) were omitted;
 - (iii) in [F9paragraph] (b), for “otherwise” there were substituted “ if the competition authority closes the investigation before [F10IP completion day] without making such a decision ”; and
 - (iv) after [F9paragraph] (b) there were inserted—
“; and
(c) otherwise, at the end of the period of one year beginning with [F10IP completion day].”.
- (5) Section 16 of the 2002 Act ^{M12} has effect without the modification made by regulation 33 of these Regulations.
- (6) The enactments listed in [F11paragraphs 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.
- [F12(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

- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**

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Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

- F10** 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)**
- F11** 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)**
- F12** 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

- I6** 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

- M12** 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](#).

[^{F13}Appropriate level of a penalty

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

- F13** 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

- I7** 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\(1\)](#)

[^{F14}Cases subject to relevant separation agreement law]

[^{F15}**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

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“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

F14 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)**

F15 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

I8 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

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agreement, decision, concerted practice or abuse of a dominant position on and after IP completion day.

Textual Amendments

F15 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

I9 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—

- (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

F15 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

I10 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

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

[^{F16}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)

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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

F16 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

I11 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. [^{F17}On and after IP completion day]—

- (a) [^{F18}except 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 ^{M13}) 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 ^{M14}).

Textual Amendments

F17 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)**

F18 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

I12 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\(1\)](#)

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Marginal Citations

- M13** 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](#).
- M14** 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)^{M15}, 62A(1)^{M16}, 63(1)^{M17}, 65G(1)^{M18} or 65H(1)^{M19} of the 1998 Act ceases to have effect on [^{F19}IP 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

- F19** 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

- I13** 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

- M15** 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](#).
- M16** 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.
- M17** 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](#).
- M18** 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.
- M19** 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)^{M20} or 65F(2)^{M21} of the 1998 Act ceases to have effect on [^{F20}IP completion day].

Textual Amendments

- F20** 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

- I14** 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

- M20** Section 65E(2) was inserted by [S.I. 2004/1261](#).
- M21** Section 65F(2) was inserted by [S.I. 2004/1261](#).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

12. Despite their repeal by these Regulations, sections 65B^{M22} and 65K^{M23} of the 1998 Act (use of statements in prosecution) continue to have effect on and after [^{F21}IP completion day] in relation to statements made before [^{F21}IP completion day].

Textual Amendments

F21 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

I15 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

M22 Section 65B was inserted by [S.I. 2004/1261](#).

M23 Section 65K was inserted by [S.I. 2004/1261](#).

PART 5

Redress schemes further to European Commission decisions

13.—^{F22}(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 [^{F23}IP completion day], in connection with the decision, the enactments mentioned in paragraph 7(3) to (8) have effect as described there.

Textual Amendments

F22 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)**

F23 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

I16 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\(1\)](#)

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

PART 6

Court and tribunal proceedings relating to competition

[^{F24} Interpretation

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.]

Textual Amendments

F24 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

I17 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 [^{F25}pre-IP completion day] EU competition infringements

14.—^{F26}(1)

(2) Where an EU competition infringement occurs before [^{F27}IP completion day], on and after [^{F27}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 [^{F27}IP completion day].

(3) The reference in sub-paragraph (2)(b) to a claim which a person could have made before [^{F27}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 [^{F27}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 [^{F27}IP completion day] includes a claim which that other person could have made before [^{F27}IP completion day].

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the *The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4.* (See end of Document for details)

Textual Amendments

- F25** 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\(3\)](#)
- F26** 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\(4\)\(a\)](#)
- F27** 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

- I18** 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.—^[F28(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.

^[F29(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.]

Textual Amendments

- F28** 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\(5\)\(a\)](#)
- F29** 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

- I19** 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 ^[F30]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 ^[F30]IP completion day] unless or until the Tribunal otherwise directs.

Textual Amendments

- F30** 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

- I20** 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\(1\)](#)

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Claims before a court or tribunal relating to [F31 pre-IP completion day] domestic competition infringements

17.—^{F32}(1)

[^{F33}(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).]

[^{F34}(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

- F31** 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)**
- F32** 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)**
- F33** 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)**
- F34** 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)**

Commencement Information

- I21** 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\(1\)](#)

[^{F35}PART 6A

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

Textual Amendments

- F35** 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.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

(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

I22 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

Enterprise Act 2002 [^{F36}and other merger control legislation]

Textual Amendments

F36 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

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

“the 2003 Order” means the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 ^{M24},

“EC Merger Regulation” means Council Regulation (EC) 139/2004 ^{M25} on the control of concentrations between undertakings as it has effect in EU law [^{F37}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

F37 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

I23 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

M24 S.I. 2003/1592; relevant amending instruments are SI 2003/3180 and S.I. 2014/891.

M25 O.J. L 24, 29.1.2004, p. 1.

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

PROSPECTIVE

Cases decided under the EC Merger Regulation before exit day

^{F38}19.

Textual Amendments

F38 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**

^{F39}**EU merger decisions annulled in full or in part**

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
- (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.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

(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 subparagraph (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

F39 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

I24 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 [^{F40}IP completion day]

20.—(1) This paragraph applies in a case in which immediately before [^{F41}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 ^{M26} 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 [^{F42}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

F40 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](#)

F41 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](#)

F42 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](#)

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Commencement Information

I25 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

M26 Section 24 was amended by paragraphs 59 and 69 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

PROSPECTIVE

F43 21.

Textual Amendments

F43 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 [^{F44}IP completion day] the CMA—

- (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 [^{F45}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

F44 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**

F45 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

I26 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)**

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

PROSPECTIVE

^{F46}23.

Textual Amendments

F46 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 ^{F47}...

24.—(1) This paragraph applies [^{F48}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) [^{F49}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

F47 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)**

F48 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)**

F49 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

I27 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)

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Intervention to protect legitimate interests: no European intervention notice before ^{F50}IP completion]

25.—(1) This paragraph applies in a case in which immediately before ^{F51}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 ^{F52}section 67(2) of the 2002 Act].

(2) The old legitimate interests law continues to have effect on and after ^{F53}IP completion day] in relation to the concentration concerned except that the conditions in section ^{F54}67(1)(a)(ii), (b) and (c)] are treated as being met on and after ^{F53}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 ^{M27} without the modification made by paragraph 6(2) of Schedule 2 to these Regulations; and
- (c) the 2003 Order.

Textual Amendments

- F50** 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\(4\)](#)
- F51** 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\(2\)\(a\)](#)
- F52** 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\(2\)\(b\)](#)
- F53** 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\(3\)\(a\)](#)
- F54** 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

- I28** 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

- M27** [S.I. 2003/1595](#), to which there is an amendment not relevant to these Regulations.

^{F55}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—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

- (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

F55 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

I29 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 [^{F56}IP completion day]

- 26.—(1) This paragraph applies in a case in which immediately before [^{F57}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 [^{F58}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

F56 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)**

F57 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)**

F58 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

I30 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 [^{F59}IP completion day]—

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

- (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; ^{F60}and]
- (b) the matter to which the notice relates has not been finally determined in accordance with article 3 of the 2003 Order; ^{F61}...
- ^{F61}(c)

(2) The old legitimate interests law continues to have effect on and after ^{F62}IP completion day] in connection with the matter to which the notice relates ^{F63}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

- F59** 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\(2\)\(a\)](#)
- F60** 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\(2\)\(b\)](#)
- F61** 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\(2\)\(c\)](#)
- F62** 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\(3\)\(a\)](#)
- F63** 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\(3\)\(b\)](#)

Commencement Information

- I31** 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 ^{F64}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
- ^{F65}(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 ^{F66}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 ^{F67}....
- (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.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Textual Amendments

- F64** 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)**
- F65** 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)**
- F66** 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)**
- F67** 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

- I32** 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

F68 29.

Textual Amendments

- F68** 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

F68 30.

Textual Amendments

- F68** 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

F68 31.

Textual Amendments

- F68** 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**

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

PROSPECTIVE

F68 32.

Textual Amendments
F68 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

F68 33.

Textual Amendments
F68 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

34.—(1) On and after [^{F69}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 [^{F69}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 [^{F69}IP completion day] or anything done under or in accordance with that instrument before [^{F69}IP completion day].

Textual Amendments
F69 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
I33 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 [^{F70}IP completion day].

Textual Amendments
F70 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**

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

Commencement Information

I34 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)**

[^{F71}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

F71 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

I35 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

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

F71 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

I36 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)**

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4. (See end of Document for details)

PART 8

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 [^{F72}IP completion day].

(2) On and after [^{F72}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

F72 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

I37 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\(1\)](#)

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 4.