

SCHEDULE 4

Saving and transitional provision

PART 7

Enterprise Act 2002 [^{F1}and other merger control legislation]

Textual Amendments

- F1** 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 ^{M1};

“EC Merger Regulation” means Council Regulation [\(EC\) 139/2004](#)^{M2} on the control of concentrations between undertakings as it has effect in EU law [^{F2}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

- F2** 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

- I1** 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

- M1** [S.I. 2003/1592](#); relevant amending instruments are [SI 2003/3180](#) and [S.I. 2014/891](#).
M2 [O.J. L 24, 29.1.2004](#), p. 1.

Status: This version of this part 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, PART 7. (See end of Document for details)*

PROSPECTIVE

Cases decided under the EC Merger Regulation before exit day

^{F3}19.

Textual Amendments

F3 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**

[^{F4}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.

(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

F4 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

I2 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 [^{F5}IP completion day]

20.—(1) This paragraph applies in a case in which immediately before [^{F6}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 ^{M3} 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 [^{F7}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

F5 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](#)

F6 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](#)

F7 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 part 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, PART 7.* (See end of Document for details)

Commencement Information

I3 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

M3 Section 24 was amended by paragraphs 59 and 69 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

PROSPECTIVE

^{F8}**21.**

Textual Amendments

F8 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 [^{F9}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 [^{F10}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

F9 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**

F10 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

I4 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 part 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, PART 7.* (See end of Document for details)

PROSPECTIVE

^{F11}23.

Textual Amendments

F11 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 ^{F12}...

24.—(1) This paragraph applies [^{F13}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) [^{F14}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

F12 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)**

F13 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)**

F14 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

I5 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 part 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, PART 7. (See end of Document for details)

Intervention to protect legitimate interests: no European intervention notice before [F15IP completion]

25.—(1) This paragraph applies in a case in which immediately before [F16IP 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 [F17section 67(2) of the 2002 Act].

(2) The old legitimate interests law continues to have effect on and after [F18IP completion day] in relation to the concentration concerned except that the conditions in section [F1967(1)(a)(ii), (b) and (c)] are treated as being met on and after [F18IP 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 ^{M4} without the modification made by paragraph 6(2) of Schedule 2 to these Regulations; and
- (c) the 2003 Order.

Textual Amendments

- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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

- I6** 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

- M4** [S.I. 2003/1595](#), to which there is an amendment not relevant to these Regulations.

[F20**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 part 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, PART 7. (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

F20 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

I7 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 [^{F21}IP completion day]

- 26.**—(1) This paragraph applies in a case in which immediately before [^{F22}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 [^{F23}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

F21 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)**

F22 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)**

F23 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

I8 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 [^{F24}IP completion day]—

*Status: This version of this part 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, PART 7. (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; ^{F25}and]
- (b) the matter to which the notice relates has not been finally determined in accordance with article 3 of the 2003 Order; ^{F26}...

^{F26}(c)

(2) The old legitimate interests law continues to have effect on and after ^{F27}IP completion day] in connection with the matter to which the notice relates ^{F28}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

- F24** 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\(2\)\(a\)](#)
- F25** 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\(2\)\(b\)](#)
- F26** 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\(2\)\(c\)](#)
- F27** 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\(3\)\(a\)](#)
- F28** 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

- I9** 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 ^{F29}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

^{F30}(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 ^{F31}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 ^{F32}....

(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 part 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, PART 7. (See end of Document for details)

Textual Amendments

- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** 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

- I10** 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

^{F33}**29.**

Textual Amendments

- F33** 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

^{F33}**30.**

Textual Amendments

- F33** 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

^{F33}**31.**

Textual Amendments

- F33** 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 part 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, PART 7. (See end of Document for details)

PROSPECTIVE

^{F33}32.

Textual Amendments
F33 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

^{F33}33.

Textual Amendments
F33 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 [^{F34}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 [^{F34}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 [^{F34}IP completion day] or anything done under or in accordance with that instrument before [^{F34}IP completion day].

Textual Amendments
F34 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
I11 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 [^{F35}IP completion day].

Textual Amendments
F35 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

I12 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)**

[^{F36}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

F36 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

I13 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

F36 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

I14 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 part 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, PART 7.