

SCHEDULE 1

Amendments of primary legislation

PART 2

Amendments of Communications Act 2003 coming into force on IP completion day

73.—(1) Section 79 (market power determinations)^{M1} is amended as follows.

(2) Before subsection (2A) insert—

“(2ZA) In identifying or analysing a services market for the purposes of this Chapter, OFCOM may have regard to EECC materials relating to market identification and analysis.”.

(3) After subsection (2B) insert—

“(2BA) In considering whether to make or revise a market power determination in relation to a services market, OFCOM may have regard to EECC materials relating to market analysis or the determination of what constitutes significant market power.”.

(4) Omit subsection (2C).

(5) After subsection (6) insert—

“(6A) In this section “EECC materials” means recommendations or guidelines published by the European Commission, and guidelines published by BEREC, under the Framework Directive or the EECC Directive (including those published after IP completion day).”.

Commencement Information

II Sch. 1 para. 73 in force at 31.12.2020 on IP completion day, see reg. 1(3)(a)

Marginal Citations

M1 Section 79 is amended by paragraph 35 of Schedule 1 to these Regulations and is prospectively amended by [S.I. 2019/246](#).

Changes to legislation:

There are currently no known outstanding effects for the The Electronic Communications and Wireless Telegraphy (Amendment) (European Electronic Communications Code and EU Exit) Regulations 2020, Paragraph 73.