

2007 No. 528

CONSUMER PROTECTION

**The Enterprise Act 2002 (EEA State) (Amendment) Regulations
2007**

<i>Made</i>	- - - -	<i>21st February 2007</i>
<i>Laid before Parliament</i>		<i>23rd February 2007</i>
<i>Coming into force</i>	- -	<i>16th March 2007</i>

The Secretary of State makes the following Regulations in exercise of the power conferred on him by section 2(2) of the European Communities Act 1972(a), being a Minister designated for the purposes of section 2(2) of that Act in relation to matters relating to consumer protection(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Enterprise Act 2002 (EEA State) (Amendment) Regulations 2007.

(2) These Regulations shall come into force on 16th March 2007.

Amendments to the Enterprise Act 2002

2. For section 212(5) of the Enterprise Act 2002(c) substitute—

“(5) EEA State has the meaning given by Schedule 1 to the Interpretation Act 1978(d).”.

21st February 2007

Ian McCartney
Minister for Trade, Investment and Foreign Affairs
Department of Trade and Industry

(a) 1972 c.68.
(b) SI 1993/2661.
(c) 2002 c.40.
(d) 1978 c.30.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert a new section 212(5) into the Enterprise Act 2002. This amendment flows from the accession of ten states to the European Union on 1 January 2004 and two further states on 1 January 2007 (together the “accession states”).

The new section 212(5) enables public bodies which enforce consumer legislation in the accession states to exercise certain rights under certain EC legislation, which Part 8 of the 2002 Act implements (namely the Injunctions Directive, as defined in section 235 of the 2002 Act), and enables UK enforcers to comply with their duties to take action under other EC legislation implemented by Part 8 (namely the CPC Regulation, as defined in section 235A of the 2002 Act) where a request to do so is received from one or more of the accession states.

Section 212(5) previously defined EEA State as a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993. This definition was defective in that none of the accession states are party to that Agreement (as amended).

The new section 212(5) therefore regularises the position.

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