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STATUTORY INSTRUMENTS

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**2020 No. 1343**

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

**PART 7**

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

**CHAPTER 1**

Competition Act 1998

**Amendment of Part 6: Court and tribunal proceedings relating to competition**

**39.**—(1) Part 6 of Schedule 4 to the 2019 Regulations is amended as follows.

(2) At the start of Part 6, after the Part heading insert—

**“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.”.

(3) In the heading before paragraph 14, for “pre-exit day” substitute “pre-IP completion day”.

(4) In paragraph 14—

- (a) omit sub-paragraph (1);
- (b) for each reference to “exit day” substitute “IP completion day”.

(5) In paragraph 15—

- (a) the existing text becomes sub-paragraph (1) of that paragraph;
- (b) after sub-paragraph (1) insert—

“(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.”.

(6) In paragraph 16, for each reference to “exit day” substitute “IP completion day”.

(7) In the heading before paragraph 17, for “pre-exit day” substitute “pre-IP completion day”.

(8) In paragraph 17—

(a) omit sub-paragraph (1);

(b) for sub-paragraph (2) substitute—

“(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).”;

(c) after sub-paragraph (2) insert—

“(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.”.