
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Provision of Services Regulations 2009

PART 1

INTRODUCTORY

General exclusions and savings

- 5.—(1) Nothing in these Regulations—
- (a) requires or prohibits—
 - (i) the opening up to competition of services of general economic interest,
 - (ii) the privatisation of public entities providing services, or
 - (iii) the abolition of monopolies;
 - (b) affects the functions of a competent authority in relation to the granting of aids covered by Community rules on competition;
 - (c) prevents a competent authority from determining, in accordance with Community law, what it considers to be a service of general economic interest, how services of general economic interest should be organised and financed in compliance with State aid rules and what specific obligations those services should be subject to;
 - (d) affects the functions of a competent authority in relation to—
 - (i) the law relating to employment conditions,
 - (ii) the law relating to working conditions, including health and safety at work and the relationship between employers and workers, or
 - (iii) the law relating to social security;
 - (e) affects rules of private international law, in particular rules governing the law applicable to contractual and non-contractual obligations (including those which guarantee that consumers benefit from the protection granted to them in the United Kingdom).
- (2) Nothing in these Regulations applies in respect of the field of taxation.
- (3) Nothing in these Regulations applies in relation to a recipient of a service who is not—
- (a) an individual who is a national of an EEA state or who otherwise benefits from rights conferred by Community acts, or
 - (b) a legal person (as referred to in Article 48 of the Treaty) who is established in an EEA state.
- (4) Nothing in Parts 3 to 9 of these Regulations applies in relation to a provider of a service who is not—
- (a) an individual who is a national of, and is established in, an EEA state, or
 - (b) a legal person (as referred to in Article 48 of the Treaty) who is established in an EEA state.