

SCHEDULE 10

Amendments to legislation

PART 2

Amendments to UK subordinate legislation

Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003

5.—(1) The Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003(1) is amended as follows.

(2) In the Schedule, in the definition of “aid” in paragraph 1, for “Article 107 of the treaty on the Functioning of the European Union”, substitute “Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003

6.—(1) The Electronic Communications (Networks and Services) (Penalties) (Rules for Calculation of Turnover) Order 2003(2) is amended as follows.

(2) In the Schedule, in paragraph 4, for “Article 87 of the EC Treaty”, substitute “Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

Water Mergers (Determination of Turnover) Regulations 2004

7.—(1) The Water Mergers (Determination of Turnover) Regulations 2004(3) are amended as follows.

(2) In the Schedule, in paragraph 1, for “Article 107 of the treaty on the Functioning of the European Union”, substitute “Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005

8.—(1) The Pension Protection Fund (Partially Guaranteed Schemes) (Modification) Regulations 2005(4) are amended as follows.

(2) In regulation 2(2), for “incompatible with the internal market within the meaning of Article 107 of the Treaty”, substitute “prohibited by Article 107(1) of the Treaty, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

(1) [S.I. 2003/1370](#), amended by [S.I. 2012/1809](#); there are other amending instruments but none is relevant.

(2) [S.I. 2003/2712](#).

(3) [S.I. 2004/3206](#), amended by [S.I. 2012/1809](#); there are other amending instruments but none is relevant.

(4) [S.I. 2005/277](#), amended by [S.I. 2010/196](#); there are other amending instruments but none is relevant.

Water Industry (Determination of Turnover for Penalties) Order 2005

9.—(1) The Water Industry (Determination of Turnover for Penalties) Order 2005⁽⁵⁾ is amended as follows.

(2) In article 2(1), in the definition of “aid”, for “Article 107 of the treaty on the Functioning of the European Union”, substitute “Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

Pension Protection Fund (Entry Rules) Regulations 2005

10.—(1) The Pension Protection Fund (Entry Rules) Regulations 2005⁽⁶⁾ are amended as follows.

(2) In regulation 2(1A), for “incompatible with the internal market within the meaning of Article 107 of the Treaty”, substitute “prohibited by Article 107(1) of the Treaty, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

Mobile Roaming (European Communities) Regulations 2007

11.—(1) The Mobile Roaming (European Communities) Regulations 2007⁽⁷⁾ are amended as follows.

(2) In regulation 6(4), for “Article 107 of the treaty on the Functioning of the European Union”, substitute “Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

Community Infrastructure Levy Regulations 2010

12.—(1) The Community Infrastructure Levy Regulations 2010⁽⁸⁾ are amended as follows.

(2) In regulation 41(1), in the definition of “*State aid*”, after “Union”, insert “, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

(3) In each of the following provisions, for “European Commission”, substitute “Competition and Markets Authority”—

- (a) regulation 42A(5);
- (b) regulation 42A(6);
- (c) regulation 44(5);
- (d) regulation 45(2)(b);
- (e) regulation 54A(10);
- (f) regulation 54A(11);
- (g) regulation 55(3)(c)(iii).

⁽⁵⁾ S.I. 2005/477, amended by S.I. 2012/1809; there are other amending instruments but none is relevant.

⁽⁶⁾ S.I. 2005/590, to which there are amendments not relevant to these Regulations.

⁽⁷⁾ S.I. 2007/1933, amended by S.I. 2012/1809; there are other amending instruments but none is relevant.

⁽⁸⁾ S.I. 2010/948, amended by S.I. 2014/385; there are other amending instruments but none is relevant.

Climate Change Agreements (Administration) Regulations 2012

13.—(1) The Climate Change Agreements (Administration) Regulations 2012⁽⁹⁾ are amended as follows.

(2) In regulation 17(1)—

- (a) for “incompatible with the internal market within the meaning of”, substitute “prohibited by”;
- (b) after “Union”, insert “, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

Payment of Pension Levies for Past Periods Regulations 2014

14.—(1) The Payment of Pension Levies for Past Periods Regulations 2014⁽¹⁰⁾ are amended as follows.

(2) In regulation 3(6), after “October 2014”, insert “but before exit day”.

(3) After regulation 3(6), insert—

“(6A) Where any anniversary of the interest start date falls on or after exit day, the interest rate to be applied during the year from that anniversary date is the CMA recovery interest rate.

(6B) For the purposes of paragraph (6A), “CMA recovery interest rate” means the rate referred to in regulation 58(1) of the State Aid (EU Exit) Regulations 2019.”.

(4) In regulation 3(7), after “794/2004”, insert “(as it had effect immediately before exit day)”.

Bank Recovery and Resolution (No. 2) Order 2014

15.—(1) The Bank Recovery and Resolution (No. 2) Order 2014⁽¹¹⁾ is amended as follows.

(2) In Article 159(2), at the appropriate place insert—

““State aid framework” means the framework established by—

- (a) Articles 107(1) and 108(3) of the Treaty on the Functioning of the European Union (as those Articles have effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019);
- (b) the State Aid (EU Exit) Regulations 2019;
- (c) any other retained EU law relating to state aid; and
- (d) any statements of policy published by the Competition and Markets Authority under the State Aid (EU Exit) Regulations 2019.”.

(3) In Article 161(3)(b)—

- (a) for “European Commission”, substitute “Competition and Markets Authority”;
- (b) omit “Union”;
- (c) omit the “and” at the end.

(4) In Article 165(2), at the appropriate place insert—

““State aid framework” has the meaning given in Article 159(2);”.

⁽⁹⁾ S.I. 2012/1976, to which there are amendments not relevant to these Regulations.

⁽¹⁰⁾ S.I. 2014/2939.

⁽¹¹⁾ S.I. 2014/3348, amended by S.I. 2016/1239 and S.I. 2017/80.

(5) In Article 168(3)(b)—

- (a) for “European Commission”, substitute “Competition and Markets Authority”;
- (b) omit “Union”;
- (c) omit the “and” at the end.

Open Internet Access (EU Regulation) Regulations 2016

16.—(1) The Open Internet Access (EU Regulation) Regulations 2016⁽¹²⁾ are amended as follows.

(2) In regulation 24(4), for “Article 107 of the Treaty on the Functioning of the European Union”, substitute “Article 107(1) of the Treaty on the Functioning of the European Union, as that Article has effect in domestic law by virtue of section 4 of the European Union (Withdrawal) Act 2018 and regulation 3(1) and (2) of the State Aid (EU Exit) Regulations 2019”.

⁽¹²⁾ S.I. 2016/607.