

STATUTORY INSTRUMENTS

2019 No. 1245

**EXITING THE EUROPEAN UNION
COMPETITION**

[^{X1}The Competition (Amendment etc.) (EU Exit)
(No. 2) Regulations 2019 (expired—not approved)]

Made - - - - at 11.50 a.m. on 9th
September 2019
Laid before Parliament at 3.00 p.m. on 9th
September 2019
Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 ^{M1}.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament ^{M2}.

Editorial Information

X1 This statutory instrument was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument is approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.

Marginal Citations

M1 [2018 c. 16.](#)

M2 [Paragraph 5\(2\)](#) of Schedule 7 to the European Union (Withdrawal) Act 2018 allows an instrument to be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament if it contains a declaration that the Minister of the Crown concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved; regulations made in this way cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is laid unless, during that period (as extended by prorogation etc.), the instrument is approved by a resolution of each House of Parliament (see [paragraphs 5\(4\)](#) and (5) of Schedule 7).

Changes to legislation: *There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (expired—not approved). (See end of Document for details)*

Department for Business, Energy and Industrial
Strategy
At 11.50 a.m. on 9th September 2019

Kelly Tolhurst
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (b) and (c) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union. They amend the Competition (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/93) (‘the principal Regulations’) to—

- retain as a matter of domestic law decisions made by the European Commission which have the effect of making binding commitments given by parties in the context of anti-trust investigations and merger clearance functions, amend those decisions and commitments so that they operate effectively, and give powers to the Competition and Markets Authority to amend, waive, release and enforce those retained commitments in the future. This will allow the CMA to perform the functions previously undertaken by the Commission in relation to the United Kingdom; and
- make clarifications to the transitional provisions that apply in relation to claims for damages for loss arising out of competition infringements.

Part 2 amends the principal Regulations to amend the Competition Act 1998 (c.41). Part 3 amends the principal Regulations to amend the Enterprise Act 2002 (c. 40). Part 4 makes amendments to the principal Regulations to amend other primary legislation consequential to the amendments to the Enterprise Act 2002. Part 5 makes amendments to the principal Regulations to amend subordinate legislation, consequential to the amendments to the Competition Act 1998. Part 6 makes amendments to the principal Regulations to make further amendments and provisions relating to the revocation of retained EU law. Part 7 amends the transitional and savings provisions in the principal Regulations, in particular, to clarify the transitional provisions which apply in relation to claims for damages for loss arising out of competition infringements.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.]

Changes to legislation:

There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (expired—not approved).