
STATUTORY INSTRUMENTS

2019 No. 1245

**The Competition (Amendment etc.)
(EU Exit) (No. 2) Regulations 2019**

PART 2

**Amendment of Part 2 of the 2019 Regulations:
amendment of the Competition Act 1998**

7. After regulation 29 insert—

“29A.—(1) Schedule 6A(1) is amended as follows.

(2) After paragraph 1, insert—

“1A. Paragraph 2 also applies where the CMA proposes to accept any variation or substitution of retained EU anti-trust commitments under section 31I, other than a variation which is not material in any respect.”.

(3) In paragraph 7, after “under section 31A”, insert “, or a variation under section 31I,”

(4) After paragraph 14 insert—

“PART 3

**PROCEDURAL REQUIREMENTS FOR THE RELEASE
OF RETAINED EU ANTI-TRUST COMMITMENTS**

15. Paragraph 16 applies where the CMA proposes to release any retained EU anti-trust commitments under section 31I.

16.—(1) Before releasing the commitments, the CMA must—

- (a)** give notice under this paragraph;
- (b)** send a copy of the notice to the person (or persons) who gave the retained EU anti-trust commitments; and
- (c)** consider any representations made in accordance with the notice and not withdrawn.

(2) A notice under this paragraph must state—

- (a)** the fact that a release is proposed;
- (b)** the reasons for it; and
- (c)** the period within which the representations may be made in relation to the proposed release.

(1) Schedule 6A was inserted by regulation 4 of, and paragraph 52 of Schedule 1 to, [S.I. 2004/1261](#) and subsequently amended by section 26(3) and paragraphs 1 and 56 in Part 1 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

(3) The period stated for the purposes of sub-paragraph (2)(c) must be at least 11 working days starting with the date the notice is given or, if that date is not a working day, with the date of the first working day after that date.

17. If after giving notice under paragraph 16 the CMA decides not to proceed with the release, it must—

- (a) give notice that it has so decided; and
- (b) send a copy of the notice to the person (or persons) who gave the retained EU anti-trust commitments.

18. As soon as practicable after releasing the retained EU anti-trust commitments, the CMA must—

- (a) publish the release in such manner as it considers appropriate; and
- (b) send a copy of the release to the person (or persons) who gave the retained EU anti-trust commitments.

19. A notice under paragraph 16 or 17 must be given by—

- (a) sending a copy of the notice to such other person or persons as the CMA considers appropriate for the purpose of bringing the matter to the attention of those likely to be affected by it; or
- (b) publishing the notice in such manner as the CMA considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it.”.”.