

## SCHEDULE 3

Regulation 63

### Amendment of retained direct EU legislation

## PART 1

### Revocation of retained direct EU legislation

1. The following instruments are revoked—
  - (a) Council Regulation (EEC) 17/62: First Regulation implementing Articles 85 and 86 of the Treaty;
  - (b) Council Regulation (EEC) 19/65 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices;
  - (c) Council Regulation (EEC) 2821/71 on the application of Article 85(3) of the Treaty to categories of agreements, decisions and concerted practices;
  - (d) Council Regulation (EEC) No 2988/74 concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the European Economic Community relating to transport and competition;
  - (e) Council Regulation (EEC) 1534/91 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector;
  - (f) Council Regulation (EC) 1/2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty;
  - (g) Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings;
  - (h) Council Regulation (EC) 246/2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia);
  - (i) Council Regulation (EC) 487/2009 on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector;
  - (j) Annex 14 to the EEA Agreement insofar as it forms part of domestic law on and after [F<sup>1</sup>IP completion day] by virtue of section 3(1) of the European Union (Withdrawal) Act 2018 [F<sup>2</sup>;
  - (k) Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union.]

#### Textual Amendments

- F1** Words in Sch. 3 para. 1(j) substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), [34\(2\)\(a\)](#)
- F2** Sch. 3 para. 1(k) inserted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), [34\(2\)\(b\)](#)

#### Commencement Information

- I1** Sch. 3 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Competition (Amendment etc.) (EU Exit) Regulations 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

2. EU decisions and EU regulations made by the European Commission under the instruments revoked by paragraph 1 (as they form part of domestic law on and after [<sup>F3</sup>IP completion day] by virtue of section 3(1) of the European Union (Withdrawal) Act 2018) are revoked, with the exception of EU regulations made by the European Commission under the EU regulations specified in paragraph 1(b), (c) and (h).

#### Textual Amendments

**F3** Words in Sch. 3 para. 2 substituted (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **34(3)**

#### Commencement Information

**I2** Sch. 3 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## PART 2

### Amendment of retained EU Regulations

#### Council Regulation (EC) 169/2009

3.—(1) Council Regulation (EC) No 169/2009 applying rules of competition to transport by rail, road and inland waterway is amended as follows.

(2) In Article 2—

(a) in paragraph 1, for “in Article 81(1) of the Treaty” substitute “imposed by section 2(1) of the Competition Act 1998”;

(b) omit paragraph 2.

(3) In Article 3—

(a) in paragraph 1, for the words from “Article 81(1)” to “that Article” substitute “section 2(1) of the Competition Act 1998 are exempt from the prohibition imposed by that provision”;

(b) omit paragraph 2.

(4) Omit Article 5(2).

(5) In the words after Article 5, omit the words from “This Regulation shall be binding” to “Member States.”.

#### Commencement Information

**I3** Sch. 3 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Commission Regulation (EC) 906/2009

4.—(1) Commission Regulation (EC) 906/2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) is amended as follows.

(2) In Article 1, for “Community ports” substitute “ports in the United Kingdom”.

(3) In Article 2, after paragraph 3 insert—

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“3A. “the Chapter 1 prohibition” means the prohibition imposed by section 2(1) of the Competition Act 1998;”.

(4) In Article 3, for the words before paragraph 1 substitute—

“Subject to the provisions of this Regulation, the following activities of a consortium are exempt from the Chapter 1 prohibition:”.

(5) In the words after Article 7, omit the words from “This Regulation shall be binding” to “Member States.”.

**Commencement Information**

**I4** Sch. 3 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**Commission Regulation (EU) 330/2010**

<sup>F4</sup>5. ....

**Textual Amendments**

**F4** Sch. 3 paras. 5-8 revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

**Commission Regulation (EU) 461/2010**

<sup>F4</sup>6. ....

**Textual Amendments**

**F4** Sch. 3 paras. 5-8 revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

**Commission Regulation (EU) 1217/2010**

<sup>F4</sup>7. ....

**Textual Amendments**

**F4** Sch. 3 paras. 5-8 revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

**Commission Regulation (EU) 1218/2010**

<sup>F4</sup>8. ....

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**Textual Amendments**  
**F4** Sch. 3 paras. 5-8 revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

**Commission Regulation (EU) 316/2014**

**9.**—(1) Commission Regulation (EU) 316/2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements is amended as follows.

(2) In Article 1(1), after point (c), insert—

“(ca) “the Chapter 1 prohibition” means the prohibition imposed by section 2(1) of the Competition Act 1998;”.

(3) In Article 2—

(a) for paragraph 1 substitute—

“Subject to the provisions of this Regulation, technology transfer agreements are exempt from the Chapter 1 prohibition.”;

(b) in paragraph 2, for “Article 101(1) of the Treaty” substitute “ the Chapter 1 prohibition ”.

(4) In Article 5(1), in point (b), for “which the other party holds in the Union” substitute “ held by the other party which have effect in the United Kingdom ”.

(5) Omit Articles 6, 7 and 10.

(6) In the words after Article 11, omit the words from “This Regulation shall be binding” to “Member States.”.

**Commencement Information**  
**I5** Sch. 3 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

**Effect of certain revocations**

**10.**—(1) The revocation of the provisions of Commission Regulations listed in sub-paragraph (2) is not to be read as—

(a) preventing the Secretary of State from exercising the power under section 10A(1) of the Competition Act 1998 <sup>M1</sup> to disapply those Regulations as described in those provisions, or

(b) limiting that power in any other way.

(2) Those provisions are—

<sup>F5</sup>(a) .....

<sup>F5</sup>(b) .....

(c) Article 7 of Commission Regulation (EU) 316/2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements.

(3) The revocation of Article 6 of Commission Regulation (EU) 316/2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements is not to be read as—

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- (a) preventing the Competition and Markets Authority from exercising its power under section 10(5) of the Competition Act 1998 to impose conditions or obligations subject to which an exemption is to have effect or to cancel the exemption for an agreement in the circumstances described in that Article, or
- (b) limiting that power in any other way.

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#### Textual Amendments

**F5** Sch. 3 para. 10(2)(a)(b) revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

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#### Commencement Information

**I6** Sch. 3 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

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#### Marginal Citations

**M1** 1998 c. 41; section 10A is inserted into the Competition Act 1998 by regulation 4 of these Regulations.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 3 heading words substituted by [S.I. 2024/80 Sch. para. 7\(3\)\(a\)](#)
- Sch. 3 Pt. 1 heading words substituted by [S.I. 2024/80 Sch. para. 7\(3\)\(b\)](#)
- Sch. 3 Pt. 2 heading words substituted by [S.I. 2024/80 Sch. para. 7\(3\)\(c\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 2A inserted by [S.I. 2019/1245 reg. 18](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 1 para. 3A inserted by [S.I. 2019/1245 reg. 20](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 1 para. 9(1A)-(1C) inserted by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 1 para. 11A inserted by [S.I. 2019/1245 reg. 26](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 1 para. A1-C1 inserted by [S.I. 2019/1245 reg. 16](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 2 para. 5(3A) inserted by [S.I. 2019/1245 reg. 30\(3\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 2 para. 12A12B inserted by [S.I. 2019/1245 reg. 32](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 3 para. 2(1) Sch. 3 para. 2 renumbered as Sch. 3 para. 2(1) by [S.I. 2019/1245 reg. 34\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved

in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)

- Sch. 3 para. 2(2) inserted by [S.I. 2019/1245 reg. 34\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 3 para. 2A2B inserted by [S.I. 2019/1245 reg. 34\(3\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 3 Pt. 3 inserted by [S.I. 2019/1245 reg. 34\(4\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 3 para. 2(1) words substituted by [S.I. 2019/1245 reg. 34\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 4 para. 4(1A)-(1C) inserted by [S.I. 2019/1245 reg. 35\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 4 para. 15A15B inserted by [S.I. 2019/1245 reg. 35\(8\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 4 para. 19(6)(7) inserted by [S.I. 2019/1245 reg. 35\(10\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 8A inserted by [S.I. 2019/1245 reg. 3](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 14(d) inserted by [S.I. 2019/1245 reg. 5](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 29A inserted by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 48A-48H inserted by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)

- reg. 50A-50C inserted by [S.I. 2019/1245 reg. 10](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 59A inserted by [S.I. 2019/1245 reg. 13](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- reg. 63(c) inserted by [S.I. 2019/1245 reg. 33](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)