

## SCHEDULE 4

### Saving and transitional provision

## PART 3

### CMA investigations under Part 1 of the 1998 Act

#### [<sup>F1</sup>Cases subject to relevant separation agreement law]

[<sup>F2</sup>8.—(1) In this paragraph and paragraphs 8A and 8B—

“Regulation 1/2003” means Council Regulation (EC) No 1/2003 of 16th December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty as it has effect from time to time for the purposes of relevant separation agreement law; and

“relevant decision” means—

a decision adopted by the European Commission pursuant to article 7(1) of Regulation 1/2003; or

a decision adopted by the European Commission pursuant to article 9(1) of Regulation 1/2003.

(2) This paragraph applies where before IP completion day—

(a) under article 11(6) of Regulation 1/2003, the CMA was relieved of competence to apply one or both of articles 101 (in relation to an agreement) or 102 (in relation to conduct), by the European Commission initiating proceedings in relation to that agreement or conduct;

(b) the European Commission had made a relevant decision; and

(c) the relevant decision has not been annulled in full or in part by the European Court insofar as it related to—

(i) the finding of an infringement or making of any directions in a decision adopted pursuant to article 7(1) of Regulation 1/2003; or

(ii) commitments accepted under a decision adopted pursuant to article 9(1) of Regulation 1/2003.

(3) On and after IP completion day the CMA must not—

(a) accept a commitment under section 31A of the 1998 Act in relation to the agreement or conduct to which the relevant decision relates;

(b) give a direction under section 32 of the 1998 Act in relation to the agreement to which the relevant decision relates; or

(c) give a direction under section 33 of the 1998 Act in relation to the conduct to which the relevant decision relates;

which conflicts with any remedial directions given or commitments made binding by the relevant decision.]

#### Textual Amendments

**F1** Sch. 4 para. 8 heading 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), **36(5)**

**F2** Sch. 4 paras. 8-8B substituted for Sch. 4 para. 8 (31.12.2020 immediately before IP completion day) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), **36(6)**

**Changes to legislation:** There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 8. (See end of Document for details)

**Commencement Information**

- II** Sch. 4 para. 8 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 currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 8.