

The Online Intermediation Services for Business Users (Enforcement) Regulations 2020

Transposition Note for Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (“the EU Regulation”).

The Online Intermediation Services for Business Users (Enforcement) Regulations 2020 (“these Regulations”) implement the enforcement provisions of the EU Regulation.

The EU Regulation has direct effect in UK law during the Transition Period under the terms of the UK’s Withdrawal Agreement with the EU (as implemented into UK law by the European Union (Withdrawal Agreement) Act 2020).

The only provision in the EU Regulation that requires legislative implementation in the UK is **Article 15 (Enforcement)**. During the Transition Period, Article 15 requires the UK to ensure adequate and effective enforcement of the EU Regulation, to lay down the rules applicable to infringements and to ensure they are implemented. Article 15 is implemented by the following provisions in these Regulations:

- Regulation 3 provides that a failure by a provider of online intermediation services to comply with certain articles of the EU Regulation is a breach of an obligation owed to a business user so that, where loss or damage is caused to the business user, the business user may bring a civil action against the provider of online intermediation services in respect of that loss or damage.
- Regulation 4 provides that an organisation or association with the right referred to in Article 14(1) of the EU Regulation may bring proceedings for an appropriate remedy to secure compliance by providers of online intermediation services or providers of online search engines with relevant requirements of the EU Regulation.
- Regulation 5 sets out the powers of the court in relation to an application for an appropriate remedy under regulation 4.