

**2007 No. 1846**

**EUROPEAN COMMUNITIES**

**The EC Competition Law (Articles 84 and 85) Enforcement  
(Revocation) Regulations 2007**

<i>Made</i> - - - -	<i>26th June 2007</i>
<i>Laid before Parliament</i>	<i>28th June 2007</i>
<i>Coming into force</i> - -	<i>20th July 2007</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a):

He has been designated(b) for the purposes of that section in relation to measures relating to the procedure for, nature of and enforcement of decisions concerning competition between undertakings.

**Citation and commencement**

1. These Regulations shall be cited as the EC Competition Law (Articles 84 and 85) Enforcement (Revocation) Regulations 2007 and shall come into force on 20th July 2007.

**Revocation**

2. The EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001(c) are revoked.

**Repeals, revocations and consequential amendment**

3.—(1) The Schedule contains repeals and revocations.

(2) In section 47A(7)(a) of the Competition Act 1998(d), for “section 46, section 47 or the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 (S.I. 2001/2916)” substitute “section 46 or section 47”.

26th June 2007

*Ian McCartney*  
Minister for Trade, Investment and Foreign Affairs  
Department of Trade and Industry

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(a) 1972 c. 68.  
(b) S.I. 1996/1912.  
(c) S.I. 2001/2916, amended by S.I. 2002/42, 2003/767 and 2003/1398.  
(d) 1998 c. 41.

# SCHEDULE

Regulation 3

## Repeals and revocations

### Repeals

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Airports Act 1986 (c. 31)	Section 74(3)(o).
Competition Act 1998 (c. 41)	In section 47A(7)— (a) in paragraph (b), the words “or under those Regulations”; (b) in paragraph (c), the words “or under those Regulations”. In section 58A(4)— (a) in paragraph (a), the words “or the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 (S.I. 2001/2916)”; (b) in paragraph (b), the words “or under those Regulations”.
Postal Services Act 2000 (c. 26)	In Schedule 7, paragraph 3(3)(pp).

### Revocations

<i>Title and number</i>	<i>Extent of revocation</i>
Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))	Article 49(3)(r).
EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 (S.I. 2001/2916)	The whole Regulations.
Competition Act 1998 (Section 11 Exemption) Regulations 2001 (S.I. 2001/2993)	In regulation 2, the definition of “the enforcement regulations”. In regulation 3— (a) sub-paragraph (1)(a); (b) sub-paragraph (2)(b)(i).
EC Competition Law (Articles 84 and 85) Enforcement (Amendment) Regulations 2002 (S.I. 2002/42)	The whole Regulations.
Enterprise Act 2002 (Commencement No. 2, Transitional and Transitory Provisions and Savings) Order 2003 (S.I. 2003/766)	In article 1(2), in the definition of “existing appeal”, the words “or regulation 25 or 26 of the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001”.
Enterprise Act 2002 (Consequential and Transitory Provisions) Order 2003 (S.I. 2003/767)	Article 3.
Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398)	In the Schedule, paragraph 41.
Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003 (S.I. 2003/1400)	In Schedule 3, the entry relating to the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001. In Schedule 4, the entry relating to the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 (the “2001 Regulations”).

Articles 83 and 84 of the EC Treaty provide for the enforcement of Articles 81 and 82. The main enforcement provision is 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 (OJ No L1, 4.1.2003, p 1) (the “2003 Regulation”) which is made under Article 83 of the Treaty. The 2003 Regulation did not, however, apply in certain cases; notably aviation to third countries, tramp shipping and cabotage. As a result, Article 84 of the Treaty required Member States to make domestic enforcement provisions for these areas and the 2001 Regulations constituted the domestic enforcement provisions for the United Kingdom.

Council Regulation (EC) No 411/2004 of 26th February 2004 (OJ No L68, 06.03.2004, p 1) extended the scope of the 2003 Regulation to include aviation to third countries with effect from 1st May 2004. Council Regulation (EC) No 1419/2006 of 25th September 2006 (OJ No L269, 28.9.2006, p 1) extended the scope of the 2003 Regulation to include cabotage and tramp shipping with effect from 18th October 2006. The domestic 2001 Regulations are, therefore, no longer required because the 2003 Regulation now applies to aviation to third countries, tramp shipping and cabotage.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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