

## SCHEDULE 4

### Saving and transitional provision

## PART 6

### Court and tribunal proceedings relating to competition

#### **Claims before a court or tribunal relating to pre-exit day EU competition infringements**

**14.**—(1) In this paragraph, “EU competition infringement” means an infringement or alleged infringement of—

- (a) the prohibition in Article 101(1) of the Treaty on the Functioning of European Union,
- (b) the prohibition in Article 102 of that Treaty,
- (c) the prohibition in Article 53 of the European Economic Area Agreement, or
- (d) the prohibition in Article 54 of that Agreement.

(2) Where an EU competition infringement occurs before exit day, on and after exit day a person may—

- (a) continue any claim (or defence to a claim) in relation to that infringement in proceedings before a court or tribunal in the United Kingdom, and
- (b) make any claim (or defence to a claim) in relation to that infringement in proceedings before a court or tribunal in the United Kingdom which the person could have made before exit day.

(3) The reference in sub-paragraph (2)(b) to a claim which a person could have made before exit day includes a claim which the person could have made if any loss or damage to which the claim relates had arisen before exit day (whether or not it did so).

(4) Where a person has acquired the right to make a claim from another person (whether by operation of law or otherwise), the reference in sub-paragraph (2)(b) to a claim which a person could have made before exit day includes a claim which that other person could have made before exit day.

**15.** In relation to claims (and defences to claims) described in paragraph 14(2) the enactments mentioned in paragraph 7(3) to (8) have effect as described there.

**16.** Where, before exit day, a reference has been made in proceedings by the Competition Appeal Tribunal to the European Court under rule 109 of the Competition Appeal Tribunal Rules 2015 and no preliminary ruling has been made, any stay (or in Scotland, sist) under rule 109(3) is to continue on and after exit day unless or until the Tribunal otherwise directs.

#### **Claims before a court or tribunal relating to pre-exit day domestic competition infringements**

**17.**—(1) In this paragraph “domestic competition infringement” means an infringement or alleged infringement of the Chapter I prohibition or the Chapter II prohibition (in each case as defined in section 59 of the 1998 Act).

(2) On and after exit day, in relation to proceedings before a court or tribunal relating to a claim in respect of loss or damage arising from a domestic competition infringement that occurred before exit day, for the purposes of paragraphs 29, 30, 33 and 34 of Schedule 8A to the 1998 Act, paragraph 3 of that Schedule (definition of “competition authority”, “investigation materials” etc.) has effect without the modifications made by regulation 30(3) of these Regulations.