STATUTORY INSTRUMENTS

2020 No. 796

EXITING THE EUROPEAN UNION

PROVISION OF SERVICES

The Online Intermediation Services for Business Users (Amendment) (EU Exit) Regulations 2020

Sift requirements satisfied	*14th July 2020*
Made - - - -	*22nd July 2020*
Laid before Parliament	*24th July 2020*
Coming into force in accordance with regulation 1	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(**a**).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation and commencement

1. These regulations may be cited as the Online Intermediation Services for Business Users (Amendment) (EU Exit) Regulations 2020 and come into force on IP completion day.

Amendments to Regulation (EU) 2019/1150

2. 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 is amended in accordance with regulations 3 to 13.

Amendments to Article 1

3. In Article 1—

(a) in paragraph 1, for "contribute to the proper functioning of the internal market by laying" substitute "lay";

(b) in paragraph 2, for "Union" (in both places) substitute "United Kingdom";

(c) in paragraph 4—

(i) for "national rules which, in conformity with Union law, prohibit or sanction" substitute "law which prohibits or sanctions";

(**a**) 2018 c. 16. Section 8 is amended by the European Union (Withdrawal Agreement) Act 2020 (c.1), section 27.

(ii) omit the final sentence;

(d) in paragraph 5, for "Union law, in particular Union law" substitute "retained EU law".

Amendments to Article 2

4. In Article 2—

(a) at the end of point (9), insert "as that Regulation had effect in the United Kingdom immediately before IP completion day";

(b) for point (12) substitute—

"(12) 'mediation' means any structured process as defined in Article 3(a) of Directive 2008/52/EC(**a**), except that for the purposes of construing that expression:

(i) Article 3(a) of that Directive is to be read as if for "the law of a Member State" there were substituted "law";

(ii) Article 3(b) of that Directive is to be read as if "in the Member State concerned" were omitted;".

Amendment to Article 4

5. In Article 4(4)(b), for "national law which is in compliance with Union law" substitute "the law".

Amendments to Article 5

6. In Article 5—

(a) in paragraph 6, omit the final sentence;

(b) omit paragraph 7.

Amendment to Article 9

7. In Article 9(3), for "Regulation (EU) 2016/679, Directive 2016/680 and Directive 2002/58/EC" substitute "data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018"(**b**).

Amendment to Article 10

8. In Article 10(2), for "acts of Union law or the law of Member States that is in accordance with Union law and" substitute "law".

Amendments to Article 12

9. In the second subparagraph of Article 12(1)—

(a) for "the Union" (in both places) substitute "the United Kingdom";

(b) omit "laid down in Union law or the law of the Member States".

Omission of Article 13

10. Omit Article 13.

(**a**) O.J. L 136, 24.05.2008, p.3.
(**b**) 2018 c. 12. Section 3(9) is amended by S.I. 2019/419 with effect from IP completion day.

Amendments to Article 14

11. In Article 14—

(a) in paragraph 1, for the words from ", as well as public bodies" to "where the action is brought," substitute "have the right to take action before a court listed in paragraph 1A";

(b) after paragraph 1, insert—

"1A. The courts referred to in paragraph 1 are:

(a) in relation to England and Wales, the county court or the High Court;

(b) in relation to Northern Ireland, a county court or the High Court;

(c) in relation to Scotland, the sheriff court or the Court of Session.";

(c) omit paragraph 2;

(d) in paragraph 3, point (a), for "a Member State" substitute "the United Kingdom or any part of it";

(e) omit paragraph 4;

(f) in paragraph 5—

(i) for "Member States" (where it first appears) substitute "The Secretary of State";

(ii) in point (a), for "their Member State" substitute "the United Kingdom";

(iii) omit point (b);

(iv) omit the final sentence.

(g) for paragraph 6, substitute—

"(6) The Secretary of State must publish a list of any organisations or associations designated in accordance with paragraph 5. The list must specify the purpose of those organisations and associations. Changes to the list must be published as soon as is reasonably practicable.";

(h) in paragraph 7, for "organisation, association or public body" substitute "organisation or association";

(i) omit paragraph 8;

(j) in paragraph 9, omit "before competent national courts, in accordance with the rules of the law of the Member State where the action is brought,".

Omission of Articles 15 to 18

12. Omit Articles 15 to 18.

Omission of final sentence

13. After Article 19, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States".

Callanan
Parliamentary Under Secretary of State
22nd July 2020 Department of Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018, in order to address failures of retained EU law to operate

effectively as a result of withdrawal of the UK from the European Union (and in particular the deficiencies under paragraphs (a), (b), (d) and (g) of section 8(2) of that Act).

These Regulations amend 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 as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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