

SCHEDULE 4

Saving and transitional provision

PART 2

Exemptions from the Chapter 1 prohibition

Pre-existing agreements exempt by virtue of an EU decision

- 2.—(1) This paragraph applies if—
- (a) immediately before exit day, an agreement is exempt from the Chapter 1 prohibition under section 10 of the 1998 Act by virtue of an EU decision⁽¹⁾; and
 - (b) the decision (as it has effect in EU law) has not expired or been revoked under EU law.
- (2) On and after exit day, section 10 of the 1998 Act has effect in relation to the agreement without the modifications made by regulation 3(3), (4), (6)(c) and (8) of these Regulations.
- (3) In this paragraph—
- (a) “the Chapter 1 prohibition” means the prohibition imposed by section 2(1) of the 1998 Act;
 - (b) references to an agreement include a reference to a decision by an association of undertakings and a concerted practice.
- (4) For the purposes of section 10 of the 1998 Act as it has effect by virtue of this paragraph, section 59 of that Act (interpretation) has effect without the modifications made by regulation 21(2).

(1) Agreements exempt by virtue of an EU decision are subject to an existing saving provision under regulation 7 of S.I. 2004/1261.