

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 - (b) the decision (as it has effect in EU law) has not expired or been revoked under EU law.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).

Pre-existing research and development agreements

- 3.—(1) Sub-paragraph (2) applies if—
- (a) a research and development agreement is entered into before exit day, and
 - (b) in relation to the agreement, the 7 year period specified in Article 4(1) of the EU R&D block exemption regulation begins before exit day.
- (2) On and after exit day, Article 4(1) of the retained R&D block exemption regulation has effect in relation to the agreement without the modification made by paragraph 7(4) of Schedule 3 to these Regulations.
- (3) Sub-paragraph (4) applies if—
- (a) a research and development agreement is entered into before exit day, and
 - (b) immediately before exit day, the agreement contains an obligation described in Article 6(b) of the EU R&D block exemption regulation.
- (4) On and after exit day, Article 6(b) of the retained R&D block exemption regulation has effect in relation to the agreement without the modification made by paragraph 7(6)(b) of Schedule 3 to these Regulations.
- (5) In this paragraph—
- “research and development agreement” has the same meaning as in the EU R&D block exemption regulation;

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

Status: This is the original version (as it was originally made).

“the R&D block exemption regulation” means Commission Regulation (EU) 1217/2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements;

“the EU R&D block exemption regulation” means the R&D block exemption regulation as it has effect as part of EU law immediately before exit day;

“the retained R&D block exemption regulation” means the R&D block exemption regulation as it has effect as part of domestic law on and after exit day.