

2002 No. 42

EUROPEAN COMMUNITIES

**The EC Competition Law (Articles 84 and 85) Enforcement
(Amendment) Regulations 2002**

Made - - - - - *14th January 2002*

Laid before Parliament *14th January 2002*

Coming into force - - *4th February 2002*

The Secretary of State, being the Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the procedure for, nature of and enforcement of decisions concerning competition between undertakings, in exercise of the powers conferred by that section hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the EC Competition Law (Articles 84 and 85) Enforcement (Amendment) Regulations 2002 and shall come into force on 4th February 2002.

(2) In these Regulations, “the principal Regulations” means the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001(c), and a reference to a numbered regulation or Schedule is to a regulation of or Schedule to the principal Regulations.

(3) These Regulations shall extend to Northern Ireland.

Amendment of the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001

2. The principal Regulations shall be amended as follows.

3. After regulation 4(4) insert—

“(5) If an exemption granted under this regulation is subject to conditions or obligations concerning slots, the Director may (for the purpose of that exemption) give to such person or persons as he considers appropriate such directions as he considers appropriate in relation to the allocation or use of those slots.

(6) A direction under paragraph (5) must be given in writing.

(7) In this regulation, “slot” means the scheduled time of arrival or departure available or allocated to an aircraft movement on a specific date at an airport co-ordinated under the terms of Council Regulation (EEC) No. 95/93 on common rules for the allocation of slots at Community airports(d).”.

4. In regulation 20(1), for “18 or 19” substitute “4, 18 or 19”.

5.—(1) In regulation 25(3)(d), after sub-paragraph (iii) insert—

“(iv) as to whether to give a direction under regulation 4, or as to the terms of any such direction.”.

(a) S.I. 1996/1912.

(b) 1972 c. 68.

(c) S.I. 2001/2916.

(d) O.J. L 14, 22.1.1993, p. 1.

(2) After regulation 25(3) insert—

“(3A) Any person to whom a direction has been given under regulation 4 may appeal to the tribunal against, or with respect to, the direction.”.

6. In rule 13(2) of Schedule 1, for “18, 19 or 21” substitute “4, 18, 19 or 21”.

Melanie Johnson
Parliamentary Under-Secretary of State for
Competition, Consumers and Markets
Department of Trade and Industry

14th January 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 (“the principal Regulations”), which make provision for the investigation of, and the making and enforcement of decisions in respect of, agreements or conduct on which it appears to the Director General of Fair Trading (“the Director”) the United Kingdom has a duty to rule under Article 84 of the EC Treaty (as renumbered by the Treaty of Amsterdam).

Regulation 3 of these Regulations amends regulation 4 of the principal Regulations to give certain powers to the Director to make directions in relation to take-off or landing slots at airports. Those powers may be used where an exemption from the prohibition in Article 81(1) of the EC Treaty granted by the Director is subject to conditions or obligations concerning slots, and he considers that for the purpose of that exemption it is appropriate to give directions in relation to the allocation or use of those slots. The airports in question are those co-ordinated under Council Regulation (EEC) No. 95/93.

Regulation 4 amends regulation 20 of the principal Regulations to enable the Director to enforce such a direction by means of an application to the court.

Regulation 5 amends regulation 25 of the principal Regulations to permit any person to whom such a direction is given to appeal to a tribunal established under Part III of Schedule 7 to the Competition Act 1998. In addition, regulation 25(3) is amended to permit any party to the exempted agreement to appeal against the decision as to whether to give a direction or as to the terms of the direction.

Regulations 6 amends rule 13 of Schedule 1 to the principal Regulations to require the Director to publish any such directions by means of an entry in the register maintained under rule 7 of that Schedule.

£1.50

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E2261 1/2002 012261 19585

ISBN 0-11-039196-9



9 780110 391960