

2004 No.1078

COMPETITION

**The Competition Act 1998 (Appealable Decisions and
Revocation of Notification of Excluded Agreements)
Regulations 2004**

<i>Made</i> - - - -	<i>6th April 2004</i>
<i>Laid before Parliament</i>	<i>8th April 2004</i>
<i>Coming into force</i> - -	<i>1st May 2004</i>

The Secretary of State, in exercise of the powers conferred on her by sections 12(3), 46(3), 47(1), 59(1) and 71 of, and paragraph 19(3) of Schedule 13 to, the Competition Act 1998(a), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004 and shall come into force on 1st May 2004.

Appealable decisions

2. The following are prescribed as decisions for the purposes of sections 46 and 47 of the Competition Act 1998:

- (a) a decision of the OFT imposing conditions or obligations subject to which a parallel exemption is to have effect;
- (b) a decision of the OFT imposing one or more additional conditions or obligations subject to which a parallel exemption is to have effect; and
- (c) a decision of the OFT varying or removing any such condition or obligation.

Revocation

3. The Competition Act 1998 (Notification of Excluded Agreements and Appealable Decisions) Regulations 2000(b) are hereby revoked.

Gerry Sutcliffe,
Parliamentary Under Secretary of State for
Employment Relations, Competition and Consumers,
Department of Trade and Industry

6th April 2004

(a) 1998 c.41.
(b) S.I. 2000/263.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations add to the decisions which are appealable under sections 46 and 47 of the Competition Act 1998 (“the Act”) decisions of the OFT under section 10 of the Act (parallel exemptions) to impose conditions or obligations in respect of parallel exemptions, to vary or remove such conditions or obligations and to impose additional conditions or obligations.

These Regulations revoke the Competition Act 1998 (Notification of Excluded Agreements and Appealable Decisions) Regulations 2000 (S.I. 2000/263) (“the 2000 Regulations”) which applied, with modifications, sections 13 to 16 of the Act (notification for guidance and decisions, effect of guidance and effect of a decision that the Chapter I prohibition has not been infringed) to cases where the OFT has given a direction withdrawing an exclusion from the Chapter I prohibition, or is considering giving such a direction. The 2000 Regulations also applied those sections to applications in respect of agreements that benefit from a transitional period provided under Schedule 13 to the Act. They applied, with modifications, the procedures under Schedule 5 to the Act in respect of applications under the 2000 Regulations.

The 2000 Regulations added to the decisions which are appealable under sections 46 and 47 of the Act decisions of the OFT imposing conditions or obligations or varying or removing them in respect of parallel exemptions under section 10 of the Act, and decisions under section 14, as applied by the 2000 Regulations, that an agreement would infringe the Chapter I prohibition if it applied.

A Regulatory Impact Assessment has been prepared. A copy can be obtained from the Modernisation Project Team, Consumer and Competition Policy Directorate, Bay 606, 1 Victoria Street, London SW1H 0ET, telephone 020 7215 2174. A copy can also be found at <http://www.dti.gov.uk/ccp/consultations.htm>.

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