
STATUTORY INSTRUMENTS

2022 No. 1271

The Competition Act 1998 (Research and Development Agreements Block Exemption) Order 2022

Transitional and other miscellaneous provision

Transitional provision

17.—(1) Subject to paragraph (2)—

- (a) article 8(3) and (5) apply only to R&D agreements entered into on or after 1st January 2024, and
- (b) article 8(9) has effect in relation to R&D agreements entered into before that date as if for the words from “neither” to the end there were substituted “paragraph (1) does not apply to the agreement”.

(2) An R&D agreement falling within article 3(2)(c) or (d) which is entered into on or after 1st January 2024 is to be treated as having been entered into before that date for the purposes of paragraph (1), if the research and development to which it relates was carried out under a prior agreement falling within 3(2)(a) or (b) between the same parties which was entered into before that date.

(3) In this article, a “pre-existing R&D agreement” means an agreement entered into before 1st January 2023 which on 1st January 2023—

- (a) does not fall into the category specified in article 3, or falls within that category but does not satisfy the conditions provided for in this Order (including those conditions as modified under paragraph (1), where applicable), and
- (b) immediately before that date satisfied the conditions for exemption provided for in 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⁽¹⁾.

(4) A pre-existing R&D agreement is to be treated as an R&D agreement specified in article 3 and meeting the conditions provided for in this Order until the end of 31st December 2024.

(5) Articles 14 to 16 apply to a pre-existing R&D agreement as they apply to an R&D agreement.

⁽¹⁾ EUR 2010/1217, as amended by S.I. 2019/93.