
STATUTORY INSTRUMENTS

2022 No. 1271

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

Cancellation and notices

Cancellation in individual cases

15.—(1) If the CMA considers that a particular R&D agreement is not one which is exempt from the Chapter I prohibition as a result of section 9 of the Competition Act 1998, it may, subject to paragraph (2), by notice in writing cancel the block exemption in respect of that R&D agreement.

(2) Before cancelling the block exemption, the CMA must—

- (a) give notice in writing of its proposal to cancel the block exemption in accordance with paragraph (1), and
- (b) consider any representations made to it.

Notices in writing

16. For the purposes of articles 14 and 15, notice in writing is to be given by—

- (a) the CMA giving notice in writing of its request for information, decision or proposal to those persons whom it can reasonably identify as being parties to the R&D agreement concerned, or
- (b) where it is not reasonably practicable for the CMA to comply with paragraph (a), the CMA publishing its request for information, decision or proposal in—
 - (i) the register maintained by the CMA under rule 20 of the rules set out in the Schedule to the Competition Act 1998 (Competition and Markets Authority's Rules) Order 2014(1),
 - (ii) the London, Edinburgh and Belfast Gazettes,
 - (iii) at least one national daily newspaper, and
 - (iv) if there is in circulation an appropriate trade journal which is published at intervals not exceeding one month, in such trade journal,stating the facts on which it bases the request, decision or proposal, and its reasons for making it.

(1) S.I. 2014/458, to which there are amendments not relevant to this instrument.