

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.

Commencement Information

II Art. 17 in force at 1.1.2023, see [art. 1\(b\)](#)

Amendments to retained block exemption regulations

18.—^{F1}(1)

^{F2}(2)

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

Changes to legislation: There are currently no known outstanding effects for the The Competition Act 1998 (Research and Development Agreements Block Exemption) Order 2022, Cross Heading: Transitional and other miscellaneous provision. (See end of Document for details)

(3) Commission Regulation (EU) 316/2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements⁽²⁾ is amended as set out in paragraph (4).

(4) In Article 9, for “Regulation (EU) No 1217/2010” substitute “the Competition Act 1998 (Research and Development Agreements Block Exemption) Order 2022”.

Textual Amendments

- F1** Art. 18(1) revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**
- F2** Art. 18(2) revoked (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Revocation and Sunset Disapplication) Regulations 2023 (S.I. 2023/1143), reg. 2(3), **Sch. 2 Pt. 1**

Commencement Information

- I2** Art. 18 in force at 1.1.2023, see **art. 1(b)**

Review

- 19.**—(1) The Secretary of State must from time to time—
- carry out a review of this Order,
 - set out the conclusions of the review in a report, and
 - publish the report.
- (2) The report must in particular—
- set out the objectives intended to be achieved by the regulatory system established by this Order;
 - assess the extent to which those objectives are achieved; and
 - assess whether those objectives remain appropriate, and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) The first report under this article must be published before the end of the period of five years beginning with the day on which this Order comes into force.
- (4) Reports under this article are afterwards to be published at intervals not exceeding five years.

Commencement Information

- I3** Art. 19 in force at 1.1.2023, see **art. 1(b)**

Expiry

- 20.** This Order ceases to have effect at the end of 31st December 2035.

Commencement Information

- I4** Art. 20 in force at 1.1.2023, see **art. 1(b)**

(2) EUR 2014/316, as amended by S.I. 2019/93.

Changes to legislation: There are currently no known outstanding effects for the The Competition Act 1998 (Research and Development Agreements Block Exemption) Order 2022, Cross Heading: Transitional and other miscellaneous provision. (See end of Document for details)

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