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STATUTORY INSTRUMENTS

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**2022 No. 1272**

**The Competition Act 1998 (Specialisation Agreements Block Exemption) Order 2022**

*Conditions, obligation and consequences of breach*

**Rules for applying thresholds**

6.—(1) For the purposes of applying the market share thresholds provided for in article 5 the following rules apply—

- (a) the market share of a party is to be calculated on the basis of market sales value data, or, where market sales value data are not available, estimates based on other reliable market information, such as market sales volumes;
- (b) the market share of a party is to be calculated on the basis of data or information relating to the calendar year preceding that in which the calculation is being made, or, where that calendar year is not representative of the party's position in the relevant market, calculated as an average of the party's market shares for the three calendar years preceding that in which the calculation is being made.

(2) The market share held by the undertakings referred to in paragraph (e) of the definition of “connected undertakings” in article 2(1) is to be apportioned equally to each undertaking having the rights or the powers listed in paragraph (a) of that definition.