

SCHEDULES

SCHEDULE 5

NOTIFICATION UNDER CHAPTER I: PROCEDURE

Preliminary investigation

- 3 (1) If, after a preliminary investigation of an application, the Director considers that it is likely—
- (a) that the agreement concerned will infringe the Chapter I prohibition, and
 - (b) that it would not be appropriate to grant the agreement an individual exemption,
- he may make a decision (“a provisional decision”) under this paragraph.
- (2) If the Director makes a provisional decision—
- (a) the Director must notify the applicant in writing of his provisional decision; and
 - (b) section 13(4) or (as the case may be) section 14(4) is to be taken as never having applied.
- (3) When making a provisional decision, the Director must follow such procedure as may be specified.
- (4) A provisional decision does not affect the final determination of an application.
- (5) If the Director has given notice to the applicant under sub-paragraph (2) in respect of an application for a decision, he may continue with the application under section 14.