
STATUTORY INSTRUMENTS

1996 No. 349

RESTRICTIVE TRADE PRACTICES

The Restrictive Trade Practices (Non-notifiable Agreements) (EC Block Exemptions) Order 1996

<i>Made</i>	- - - -	<i>19th February 1996</i>
<i>Laid before Parliament</i>		<i>20th February 1996</i>
<i>Coming into force</i>	- -	<i>19th March 1996</i>

The Secretary of State, in exercise of the power conferred upon him by section 27A of the Restrictive Trade Practices Act 1976(1), hereby makes the following Order:—

Title and Commencement

1.—(1) This Order may be cited as the Restrictive Trade Practices (Non-notifiable Agreements) (EC Block Exemptions) Order 1996.

(2) This Order shall come into force on 19th March 1996 and shall apply to agreements made on or after that date.

Interpretation

2. In this Order—

“the Act” means the Restrictive Trade Practices Act 1976;

“block exemption regulation” means an EC Council Regulation or an EC Commission Regulation (whether adopted before or after the coming into force of this Order) which declares the prohibition contained in Article 85.1 of the EC Treaty inapplicable to a category or categories of agreements decisions and concerted practices.

Descriptions of Non-notifiable Agreements

3. An agreement is of a description specified for the purposes of section 27A of the Act (which defines non-notifiable agreements) if—

(a) it is an agreement which is exempt from Article 85.1 of the EC Treaty by virtue of the application to it of a block exemption regulation; or

(1) 1976 c. 34; section 27A was inserted by section 10 of the Deregulation and Contracting Out Act 1994 (c. 40).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) it is an agreement which does not fall within the prohibition contained in Article 85.1 of the EC Treaty but which, if it did so fall, would be exempt from that provision by virtue of the application to it of a block exemption regulation.

Department of Trade and Industry
19th February 1996

John Taylor
Parliamentary Under-Secretary of State for
Competition and Consumer Affairs,

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies two descriptions of a non-notifiable agreement for the purposes of section 27A of the Restrictive Trade Practices Act 1976. A non-notifiable agreement is an agreement which is registrable under the Act but whose particulars do not have to be furnished to the Director General of Fair Trading unless he requires them by serving a notice on the parties.

An agreement will be non-notifiable if it is exempt from the prohibition on agreements restrictive of competition contained in Article 85.1 of the EC Treaty, by virtue of the application to it of a block exemption regulation adopted by the Council of Ministers of the EC or by the EC Commission. An agreement which ceases to be exempt from Article 85.1 will cease to meet the specified description and, therefore, cease to be non-notifiable.

An agreement will also be non-notifiable if it does not fall within the prohibition contained in Article 85.1, because, for example, it does not have an appreciable effect on trade between member States, but which would have qualified for exemption under a block exemption regulation if it had fallen within that prohibition.

Section 27A provides that price fixing agreements and agreements of which particulars have been entered on the register of restrictive trading agreements are not non-notifiable agreements.

This Order applies to agreements made on or after the date on which it comes into force.