

Council Regulation (EC) No 169/2009 of 26 February 2009  
applying rules of competition to transport by rail, road and  
inland waterway (Codified version) (Text with EEA relevance)

*Article 3*

**Exemption for groups of small and medium-sized undertakings**

1 Agreements, decisions and concerted practices as referred to in Article 81(1) of the Treaty shall be exempt from the prohibition in that Article where their purpose is:

- (a) the constitution and operation of groupings of road or inland waterway transport undertakings with a view to carrying on transport activities;
- (b) the joint financing or acquisition of transport equipment or supplies, where these operations are directly related to the provision of transport services and are necessary for the joint operations of the aforesaid groupings;

always provided that the total carrying capacity of any grouping does not exceed:

- (i) 10 000 metric tons in the case of road transport;
- (ii) 500 000 metric tons in the case of transport by inland waterway.

The individual capacity of each undertaking belonging to a grouping shall not exceed 1 000 metric tons in the case of road transport or 50 000 metric tons in the case of transport by inland waterway.

2 If the implementation of any agreement, decision or concerted practice covered by paragraph 1 has, in a given case, effects which are incompatible with the requirements of Article 81(3) of the Treaty, undertakings or associations of undertakings may be required to make such effects cease.

**Changes to legislation:**

There are outstanding changes not yet made to Council Regulation (EC) No 169/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Art. 3(1) words substituted by [S.I. 2019/93 Sch. 3 para. 3\(3\)\(a\)](#)
- Art. 3(2) omitted by [S.I. 2019/93 Sch. 3 para. 3\(3\)\(b\)](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature omitted by [S.I. 2019/93 Sch. 3 para. 3\(5\)](#)