

SCHEDULES

SCHEDULE 1

EXCLUSIONS: MERGERS AND CONCENTRATIONS

PART I

MERGERS

Withdrawal of the paragraph 1 exclusion

- 4 (1) The exclusion provided by paragraph 1 does not apply to a particular agreement if the Director gives a direction under this paragraph to that effect.
- (2) If the Director is considering whether to give a direction under this paragraph, he may by notice in writing require any party to the agreement in question to give him such information in connection with the agreement as he may require.
- (3) The Director may give a direction under this paragraph only as provided in sub-paragraph (4) or (5).
- (4) If at the end of such period as may be specified in rules under section 51 a person has failed, without reasonable excuse, to comply with a requirement imposed under sub-paragraph (2), the Director may give a direction under this paragraph.
- (5) The Director may also give a direction under this paragraph if—
- (a) he considers—
 - (i) that the agreement will, if not excluded, infringe the Chapter I prohibition; and
 - (ii) that he is not likely to grant it an unconditional individual exemption; and
 - (b) the agreement is not a protected agreement.
- (6) For the purposes of sub-paragraph (5), an individual exemption is unconditional if no conditions or obligations are imposed in respect of it under section 4(3)(a).
- (7) A direction under this paragraph—
- (a) must be in writing;
 - (b) may be made so as to have effect from a date specified in the direction (which may not be earlier than the date on which it is given).