

## SCHEDULES

### SCHEDULE 3

#### GENERAL EXCLUSIONS

##### *Agricultural products*

- 9 (1) The Chapter I prohibition does not apply to an agreement to the extent to which it relates to production of or trade in an agricultural product and—
- (a) forms an integral part of a national market organisation;
  - (b) is necessary for the attainment of the objectives set out in Article 39 of the Treaty; or
  - (c) is an agreement of farmers or farmers' associations (or associations of such associations) belonging to a single member State which concerns—
    - (i) the production or sale of agricultural products, or
    - (ii) the use of joint facilities for the storage, treatment or processing of agricultural products,and under which there is no obligation to charge identical prices.
- (2) If the Commission determines that an agreement does not fulfil the conditions specified by the provision for agricultural products for exclusion from Article 85(1), the exclusion provided by this paragraph (“the agriculture exclusion”) is to be treated as ceasing to apply to the agreement on the date of the decision.
- (3) The agriculture exclusion does not apply to a particular agreement if the Director gives a direction under this paragraph to that effect.
- (4) 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.
- (5) The Director may give a direction under this paragraph only as provided in sub-paragraph (6) or (7).
- (6) 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 (4), the Director may give a direction under this paragraph.
- (7) The Director may also give a direction under this paragraph if he considers that an agreement (whether or not he considers that it infringes the Chapter I prohibition) is likely, or is intended, substantially and unjustifiably to prevent, restrict or distort competition in relation to an agricultural product.
- (8) 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).

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*Status: This is the original version (as it was originally enacted).*

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(9) In this paragraph—

“agricultural product” means any product of a kind listed in Annex II to the Treaty; and

“provision for agricultural products” means Council Regulation (EEC) [No. 26/62](#) of 4th April 1962 applying certain rules of competition to production of and trade in agricultural products.