

SCHEDULE 4

Saving and transitional provision

PART 2

Exemptions from the Chapter 1 prohibition

Pre-existing research and development agreements

3.—(1) Sub-paragraph (2) applies if—

- (a) a research and development agreement is entered into before exit day, and
- (b) in relation to the agreement, the 7 year period specified in Article 4(1) of the EU R&D block exemption regulation begins before exit day.

(2) On and after exit day, Article 4(1) of the retained R&D block exemption regulation has effect in relation to the agreement without the modification made by paragraph 7(4) of Schedule 3 to these Regulations.

(3) Sub-paragraph (4) applies if—

- (a) a research and development agreement is entered into before exit day, and
- (b) immediately before exit day, the agreement contains an obligation described in Article 6(b) of the EU R&D block exemption regulation.

(4) On and after exit day, Article 6(b) of the retained R&D block exemption regulation has effect in relation to the agreement without the modification made by paragraph 7(6)(b) of Schedule 3 to these Regulations.

(5) In this paragraph—

“research and development agreement” has the same meaning as in the EU R&D block exemption regulation;

“the R&D block exemption regulation” means Commission Regulation (EU) 1217/2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements;

“the EU R&D block exemption regulation” means the R&D block exemption regulation as it has effect as part of EU law immediately before exit day;

“the retained R&D block exemption regulation” means the R&D block exemption regulation as it has effect as part of domestic law on and after exit day.