
STATUTORY INSTRUMENTS

2001 No. 2916

EUROPEAN COMMUNITIES

**The EC Competition Law (Articles 84
and 85)Enforcement Regulations 2001**

<i>Made</i>	- - - -	<i>15th August 2001</i>
<i>Laid before Parliament</i>		<i>16th August 2001</i>
<i>Coming into force</i>		<i>17th August 2001</i>

**THE EC COMPETITION LAW (ARTICLES 84
AND 85)ENFORCEMENT REGULATIONS 2001**

1. Citation, commencement and extent
2. Interpretation
3. Commencement of investigations by the Director
4. Exemptions
5. Cancellation etc. of exemptions
6. Notification in relation to agreements
7. Notification for a decision in relation to agreements
8. Effect of a decision that the prohibition in Article 81(1) has not been infringed
9. Notification in relation to conduct
10. Notification for a decision in relation to conduct
11. Effect of a decision that the prohibition in Article 82 has not been infringed
12. Powers when conducting investigations
13. Power to enter premises without a warrant
14. Powers to enter premises under a warrant
15. Entry of premises under warrant: supplementary
16. Privileged communications
17. Decisions following an investigation
18. Directions in relation to agreements
19. Directions in relation to conduct
20. Enforcement of Directions
21. Interim measures
22. Offences
23. Destroying or falsifying documents
24. False or misleading information
25. Appeals

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

26. Third party appeals
 27. Appeal tribunals
 28. Appeals on point of law etc.
 29. General restrictions on disclosure of information
 30. Director to have regard to certain matters in relation to the disclosure of information
 31. Defamation
 32. Findings of fact by the Director
 33. Offences by bodies corporate etc.
 34. Crown application
 35. Amendments to other enactments
 36. Past agreements and infringements
 37. Revocation and transitional provision
- Signature

SCHEDULE 1 —

— Form of application (1) An application under regulation 7 for an agreement to...

1. Form of application
2. Joint applications
3. Copies
4. Content of application
5. Date of application
6. Notification of application to other parties
7. Public register
8. Consultation of public following applications
9. Investigations
10. Proposed infringement and conditional exemption decisions
11. Notice of decision
12. Further action after a decision
13. Directions
14. Interim measures
15. Application for extension of exemption
16. Cancellation etc. of exemption
17. Associations of undertakings
18. Time limits and giving notices
19. Confidential third party information
20. Third party appeals
21. Interpretation and supplemental

— **Annex**

FORM ERNINFORMATION REQUIRED FOR APPLICATIONS FOR A DECISION UNDER THE EC COMPETITION LAW (ARTICLES 84 AND 85) ENFORCEMENT REGULATIONS 2001

PART 1: INTRODUCTION This document lists the information and supporting...

This document lists the information and supporting documents which must...

If the Applicant(s) considers that the Director would find any...

This document must also be used when making an application...

PART 2: INFORMATION TO BE PROVIDED BY THE UNDERTAKING(S) MAKING...

1. INFORMATION ABOUT THE UNDERTAKING(S) SUBMITTING THE APPLICATION (THE “APPLICANT(S)”) AND THE OTHER PARTIES TO THE AGREEMENT
 - 1.1 Please give the full name, address (by registered office, where...
 - 1.2 Please give the full name, address, telephone and fax numbers...
 - 1.3 Where the declaration to be made in the form set...
 - 1.4 If a joint application is being submitted, indicate whether or...
 - 1.5 Please give full names, addresses (by registered office, where appropriate,...
 - 1.6 Please provide details of the steps taken or to be...
 - 1.7 Please identify the groups to which each party to the...
2. PURPOSE OF THE APPLICATION
 - 2.1 Specify whether the application is being made in relation to...
 - 2.2 State which provisions or effects of the agreement or conduct...
 - 2.3 If the application is for an extension of an exemption,...
3. JURISDICTION
 - 3.1 Please state whether the agreement or conduct which is the...
 - 3.2 Please provide details of any previous contacts of which the...
4. DETAILS OF THE AGREEMENT OR CONDUCT
 - 4.1 Please provide a brief description of the agreement or conduct...
 - 4.2 If the application is made in relation to a written...
 - 4.3 Identify any provisions in the agreement or aspects of the...
 - 4.4 If the application relates to standard form terms and conditions,...
 - 4.5 Please identify those Member States of the European Community trade...
5. INFORMATION ON THE PARTIES TO THE AGREEMENT OR CONDUCT AND THE GROUPS TO WHICH THEY BELONG
 - 5.1 Please attach one copy of the most recent annual report...
 - 5.2 Please list the product and/or services market(s) in which each...
6. THE RELEVANT PRODUCT AND GEOGRAPHIC MARKET(S)
 - 6.1 A “relevant product market” comprises all those products and/or services...
 - 6.2 Please supply and explain the definition of the relevant product...
 - 6.3 Please supply and explain the definition of the relevant geographic...
 - 6.4 For each of the relevant product and geographic market(s) identified...
 - 6.5 For each of the parties to the agreement or conduct...
7. THE POSITION OF THE UNDERTAKINGS IN THE RELEVANT PRODUCT MARKET(S)
 - 7.1 Please provide the following information in respect of each of...
8. MARKET ENTRY AND POTENTIAL COMPETITION IN THE RELEVANT PRODUCT AND GEOGRAPHIC MARKET(S)
 - 8.1 For each of the relevant product and geographic market(s) identified...
 - 8.2 Estimate the amount of time required for entry into the...
 - 8.3 State whether any new undertakings have entered the relevant product...
9. EXEMPTION

If exemption from the prohibition in Article 81(1) is sought,...
10. OTHER INFORMATION
 - 10.1 Please provide details of trade publications in which advertisements seeking...
 - 10.2 Please give any other information which the Applicant(s) considers may...
11. SUPPORTING DOCUMENTS

Please ensure that the Applicant(s) has attached the following documents...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 2A: Under regulation 24, it is an offence, punishable...

Under regulation 24, it is an offence, punishable by a...
Declaration
Place and date.....
Signatures.....
Status.....
Name(s) in block capitals.....

PART 3: ACKNOWLEDGEMENT OF RECEIPT This acknowledgement of receipt will...

This acknowledgement of receipt will be returned to the address...
To be completed by the Applicant(s)
To:.....
(name and address of Applicant(s))
.....
.....
.....
The application dated.....
concerning.....
involving the following undertakings:

- 1.
- 2.

[and others]
To be completed by the Office of Fair Trading
was received on.....
and registered under reference number.....
Please quote this number in all correspondence with the Office...

PART 4: —TO BE COMPLETED BY THE APPLICANT(S) Information for...

- 1. Information for the OFT public register
- 2. Please provide a short summary which does not contain any...
- 3. Please describe the relevant product(s) or services(s) involved.

SCHEDULE 2 — APPEALS

- 1. Interpretation
- 2. General procedure
- 3. Decisions of the tribunal
- 4. (1) A decision of the tribunal may be taken by...
- 5. A person who without reasonable excuse fails to comply with...

Explanatory Note

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 2 para. 1 words substituted by S.I. 2003/767 art. 3(c)(i)
- Regulations revoked by S.I. 2007/1846 reg. 2Sch.
- reg. 2 words substituted by S.I. 2003/767 art. 3(a)(i)
- reg. 2 words substituted by S.I. 2003/767 art. 3(a)(ii)
- reg. 2 words substituted by S.I. 2003/767 art. 3(a)(iii)
- reg. 20(1) words substituted by S.I. 2002/42 reg. 4
- reg. 25(3)(g) revoked by S.I. 2003/1398 Sch. para. 41(2)
- reg. 26 substituted by S.I. 2003/1398 Sch. para. 41(3)
- reg. 27 words substituted by S.I. 2003/767 art. 3(b)
- reg. 29 revoked by S.I. 2003/1400 Sch. 5
- reg. 32(1)(b) word substituted by S.I. 2003/1398 Sch. para. 41(4)
- reg. 33(1) words revoked by S.I. 2003/1400 Sch. 5
- reg. 35(1)(2) revoked by 2002 c. 40 Sch. 26

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 rule 18(1)(d) revoked by S.I. 2003/1398 Sch. para. 41(5)(a)(iii)
- Sch. 1 rule 18(2) revoked by S.I. 2003/1398 Sch. para. 41(5)(b)
- Sch. 1 rule 20 revoked by S.I. 2003/1398 Sch. para. 41(5)(c)
- Sch. 1 rule 18(1)(b) word inserted by S.I. 2003/1398 Sch. para. 41(5)(a)(i)
- Sch. 1 rule 21(1)(b)(i) word inserted by S.I. 2003/1398 Sch. para. 41(5)(d)(i)
- Sch. 1 rule 21(1)(b)(ii) word inserted by S.I. 2003/1398 Sch. para. 41(5)(e)(i)
- Sch. 1 rule 18(1)(c) word revoked by S.I. 2003/1398 Sch. para. 41(5)(a)(ii)
- Sch. 1 rule 21(1)(b)(i) words revoked by S.I. 2003/1398 Sch. para. 41(5)(d)(ii)
- Sch. 1 rule 21(1)(b)(ii) words revoked by S.I. 2003/1398 Sch. para. 41(5)(e)(ii)
- Sch. 1 rule 13(2) words substituted by S.I. 2002/42 reg. 6
- Sch. 2 para. 5(a)(b) substituted by S.I. 2003/767 art. 3(c)(ii)
- reg. 4(5)-(7) inserted by S.I. 2002/42 reg. 3
- reg. 25(3)(d)(iv) inserted by S.I. 2002/42 reg. 5(1)
- reg. 25(3A) inserted by S.I. 2002/42 reg. 5(2)

Commencement Orders yet to be applied to the The EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001

Commencement Orders bringing legislation that affects this Instrument into force:

- S.I. 2003/766 art. 2Sch. commences (2002 c. 40)
- S.I. 2003/1397 art. 2(1)Sch. commences (2002 c. 40)