

COMPETITION

List provided for in Article 41 of the Framework Agreement

TABLE OF CONTENTS

1	Block exemptions	2
2	Agriculture.....	5
3	Insurance Sector	7
4	Transport.....	8
5	Information and Communication Technologies	10

INTRODUCTION

When the legal acts referred to in this Annex contain notions or refer to procedures which are specific to the EU legal order, such as:

- recitals;
- the addressees of the EU legal acts;
- references to territories or languages of the EU;

- references to rights and obligations of EU Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Framework Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

ACTS REFERRED TO

CHAPTER 1

BLOCK EXEMPTIONS

1. 32014 R 0316: Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements (TTBER) (OJ L 93, 28.3.2014, p. 17).
2. 32010 R 1218: Commission Regulation (EU) No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements (OJ L 335, 18.12.2010, p. 43) as amended by:
 - 32022 R 2456: Commission Regulation (EU) 2022/2456 of 8 December 2022 amending Regulation (EU) No 1218/2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements (OJ L 321, 15.12.2022, p. 3).

3. 32010 R 1217: Commission Regulation (EU) No 1217/2010 of 14 December 2010 on application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements (OJ L 335, 18.12.2010, p. 36) as amended by:
 - 32022 R 2455: Commission Regulation (EU) 2022/2455 of 8 December 2022 amending Regulation (EU) No 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 (OJ L 321, 15.12.2022, p. 1).
4. 32022 R 0720: Commission Regulation (EU) 2022/720 of 10 May 2022 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices, (OJ L 134, 11.5.2022, p. 4).
5. 32010 R 0461: Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector (OJ L 129, 28.5.2010, p. 52).
6. 31971 R 2821: Regulation (EEC) No 2821/71 of the Council of 20 December 1971 on the application of Article 85(3) of the Treaty to categories of agreements, decisions and concerted practices (OJ L 285, 29.12.1971, p. 46) as amended by:
 - 31972 R 2743: Regulation (EEC) No 2743/72 of the Council of 19 December 1972 amending Regulation (EEC) No 2821/71 on the application of Article 85(3) of the Treaty to categories of agreements, decisions and concerted practices (OJ L 291, 28.12.1972, p. 144),

- 32003 R 0001: Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).
7. 31965 R 0019: Council Regulation (EC) No 19/65/EEC of 2 March 1965 on application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices (OJ 36, 6.3.1965, p. 533) as amended by:
- 31999 R 1215: Council Regulation (EC) No 1215/1999 of 10 June 1999 amending Regulation No 19/65/EEC on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices (OJ L 148, 15.6.1999, p. 1),
 - 32003 R 0001: Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

CHAPTER 2

AGRICULTURE

1. 32013 R 1308: Regulation (EU) 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671), as amended by:
 - 32013 R 1310: Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 (OJ L 347, 20.12.2013, p. 865),
 - 32016 R 0791: Regulation (EU) 2016/791 of the European Parliament and of the Council of 11 May 2016 (OJ L 135, 24.5.2016, p. 1),
 - 32016 R 1166: Commission Delegated Regulation (EU) 2016/1166 of 17 May 2016 (OJ L 193, 19.7.2016, p. 17),
 - 32016 R 1226: Commission Delegated Regulation (EU) 2016/1226 of 4 May 2016 (OJ L 202, 28.7.2016, p. 5),
 - 32017 R 2393: Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 (OJ L 350, 29.12.2017, p. 15),
 - 32020 R 2220: Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 (OJ L 437, 28.12.2020, p. 1).

- 32021 R 2117: Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 (OJ L 435, 6.12.2021, p. 262).

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

Only the following provisions of the Regulation shall apply: Articles 125, 149, 152, 164, 166a, 167, 167a, 206 to 210a, and 222.

2. 32013 R 1379: Regulation (EU) 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1), as amended by:

- 32013 R 1385 Council Regulation (EU) No 1385/2013 of 17 December 2013 (*OJ L 354, 28.12.2013, p. 86*),
- 32015 R 0812: Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 (*OJ L 133, 29.5.2015, p. 1*),
- 32020 R 0560 Regulation (EU) 2020/560 of the European Parliament and of the Council of 23 April 2020 (*OJ L 130, 24.4.2020, p. 11*).

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

Article 4 of Framework Protocol 1 to this Agreement shall apply.

CHAPTER 3

INSURANCE SECTOR

1. 31991 R 1534: Council Regulation (EEC) No 1534/91 of 31 May 1991 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector (OJ L 143, 7.6.1991, p. 1).

CHAPTER 4

TRANSPORT

1. 32009 R 0906: Commission Regulation (EC) No 906/2009 of 28 September 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (OJ L 256, 29.9.2009, p. 31), as amended by:
 - 32014 R 0697: Commission Regulation (EU) No 697/2014 of 24 June 2014 (OJ L 184, 25.6.2014, p. 3),
 - 32020 R 0436: Commission Regulation (EU) 2020/436 of 24 March 2020 (OJ L 90, 25.3.2020, p. 1).

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

Article 4 of Framework Protocol 1 to this Agreement shall apply.

2. 32009 R 0246: Council Regulation (EC) No 246/2009 of 26 February 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (Codified version) (OJ L 79, 25.3.2009, p. 1).

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

Article 4 of Framework Protocol 1 to this Agreement shall apply.

3. 32009 R 0169: Council Regulation (EC) No 169/2009 of 26 February 2009 applying rules of competition to transport by rail, road and inland waterway (OJ L 61, 5.3.2009, p. 1).

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

Article 4 of Framework Protocol 1 to this Agreement shall apply to the rules of competition regarding transport by rail and inland waterway.

CHAPTER 5

INFORMATION AND COMMUNICATION TECHNOLOGIES

1. 32018 L 1972: Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (OJ L 321, 17.12.2018, p. 36).
2. 32008 L 0063: Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (Codified version) (OJ L 162, 21.6.2008, p. 20).
3. 32002 L 0077: Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).

ACTS WHICH THE COMMISSION AND THE NATIONAL AUTHORITIES OF ANDORRA SHALL TAKE INTO ACCOUNT

In the application of Articles 38 to 43 of this Agreement and the provisions referred to in this Annex, the Commission and the national authorities of Andorra shall take into account the principles and rules contained in the following acts:

1. 52014 XC 0328(01): Communication from the Commission – Guidelines on the application of Article 101 of the Treaty on the Functioning of the European Union to technology transfer agreements (OJ C 89, 28.3.2014, p. 3).

2. 52011 XC 0114(04): Communication from the Commission – Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements (OJ C 11, 14.1.2011, p. 1 and corrigenda OJ C 33, 2.2.2011, p. 20).
3. 52022 XC 0630(01): Guidelines on Vertical Restraints ("Vertical Guidelines") Commission Notice – Guidelines on vertical restraints 2022/C 248/01, C/2022/4238, (OJ C 248, 30.6.2022).
4. 52010 XC 0528(01): Commission notice – Supplementary guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles (OJ C 138, 28.5.2010, p. 16).
5. 52004 XC 0427(07): Communication from the Commission – Notice – Guidelines on the application of Article 81(3) of the Treaty (OJ C 101, 27.4.2004, p. 97).
6. 52009 XC 0224(01): Communication from the Commission – Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings (OJ C 45, 24.2.2009, p. 7).
7. 52004 XC 0427(06): Commission Notice – Guidelines on the effect on trade concept contained in Articles 81 and 82 of the Treaty (OJ C 101, 27.4.2004, p. 81).
8. 52014 XC 0830(01): Communication from the Commission – Notice on agreements of minor importance which do not appreciably restrict competition under Article 101(1) of the Treaty on the Functioning of the European Union (*De Minimis* Notice) (OJ C 291, 30.8.2014, p. 1).

9. Guidance on restrictions of competition "by object" for the purpose of defining which agreements may benefit from the *De Minimis* Notice, SWD (2014) 198 final.
10. 31979 Y 0103(01): Commission notice of 18 December 1978 concerning its assessment of certain subcontracting agreements in relation to Article 85(1) of the EEC Treaty (OJ C 1, 3.1.1979, p. 2).
11. 52010 XC 0330(02): Communication from the Commission on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of agreements, decisions and concerted practices in the insurance sector (OJ C 82, 30.3.2010, p. 20).
12. 31998 Y 0206(01): Notice from the Commission on the application of the competition rules to the postal sector and on the assessment of certain State measures relating to postal services (OJ C 39, 6.2.1998, p. 2).
13. 31997 Y 0930(01): Clarification of the Commission recommendations on the application of the competition rules to new transport infrastructure projects (OJ C 298, 30.9.1997, p. 5).
14. 52018 XC 0507(01): Communication from the Commission – Guidelines on market analysis and the assessment of significant market power under the EU regulatory framework for electronic communications networks and services (OJ C 159, 7.5.2018, p. 1).