

# **Regulation**

## **on the categories of agreements and concerted practices in the air transport sector<sup>1</sup>**

### **Article 1**

#### **Purpose**

The purpose of this Regulation is to grant an exemption from prohibition for certain categories of agreements, decisions and concerted practices in the air transport sector pursuant to Article 6 of Law 9121 of 28 July 2003 “On Competition Protection,” as amended.

Pursuant to Article 6 of the Law and the provisions of this Regulation, Article 4 of the Law shall not apply to certain categories of agreements, decisions and concerted practices in the air transport sector.

### **Article 2**

#### **Scope**

1. Pursuant to Article 6 of the Law the Commission has decided in this Regulation that Article 4 of Law No. 9121 of 28 July 2003 “On Competition Protection,” as amended, shall not apply to certain categories of agreements between undertakings, undertaking merger decisions and concerted practices which have as their object:
  - a) joint planning and coordination of airline schedules;
  - b) consultations on tariffs for the carriage of passengers, baggage and freight on scheduled air services;
  - c) joint operations on new less busy scheduled air services;
  - d) common purchase, development and operations of computer reservation systems relating to timetabling, reservations and ticketing by air transport undertakings;
  
2. Based on Paragraph 1 of this Article, the exemption granted under the Law shall define the categories of agreements, decisions or concerted practices, in particular:
  - a) the restrictions or provisions which may, or may not, appear in the agreements, decisions and concerted practices;

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<sup>1</sup> **32009R0487**, Council Regulation (EC) No 487/2009 of 25 May 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector (Official Gazette L 148, 11.6.2009)

- b) the provisions which must be contained in the agreements, decisions and concerted practices, or any other conditions which must be satisfied.

### **Article 3**

#### **Period of validity**

1. Any exemption granted under Article 2 of this Regulation shall apply for a specified period.
2. It may be repealed, revoked or amended where circumstances have changed with respect to any of the factors which prompted its adoption. In such a case, a period shall be fixed for amendment of the agreements and concerted practices which applied before the repeal or amendment.

### **Article 4**

#### **Retroactive effects**

Exemptions granted pursuant to Article 2 of this Regulation shall include a provision stating that the exemption decision applies with retroactive effect to agreements, decisions and concerted practices which were in existence at the date of the entry into force of such exemption.

### **Article 5**

#### **Third party consultation**

Before adopting an exemption decision pursuant to Article 2 of this Regulation, the Competition Authority shall publish a draft thereof and invite all persons and organisations concerned to submit their comments within a reasonable time-limit, being not less than one month.

### **Article 6**

#### **Entry into force**

This Regulation shall enter into force immediately.