

**THE PROTECTION OF COMPETITION LAW
(LAW 207 OF 1989)**

Order made by virtue of section 5(2)

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**THE PROTECTION OF COMPETITION LAW
(LAW 207 OF 1989)**

Order made by virtue of section 5(2)

The Council of Ministers, in the exercise of its powers conferred upon it by virtue of subsection (2) of section 5 of the Protection of Competition Law of 1989, makes this Order.

207/89.

1. This Order shall be cited as the Block Exemptions (Agreements, Decisions and Concerted Practices in relation to the Production or Trade in Agricultural Products) Order of 1998.

Short title.

2. The provisions of this Order shall apply, without prejudice to the provisions of paragraph 3, in the agreements, decisions or concerted practices in relation to the production or trade in agricultural products which are listed in the Annex.

Scope of application of the Order.

3.-(1) According to subsection (1) of section 5 of the Law and without prejudice to the preconditions provided for in this Order, the agreements, decisions and concerted practices referred to in the previous paragraph and which are necessary for the accomplishment of the objectives referred to in subparagraph (2) are exempted from the prohibition of section 4(1) of the Law. Especially, the agreements, decisions and concerted practices of farmers, associations of farmers or associations of such associations shall be exempted to the extent that, without involving the obligation to charge identical prices, they concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing agricultural products, unless the Commission finds that competition is thereby excluded or that the objectives of subparagraph (2) are

Exemption for the agreements concerning agricultural products.

jeopardised.

(2) The objectives mentioned in subparagraph (1) are-

- (a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;
- (b) thus to ensure a fair standard of living for the agricultural population, in particular by increasing the individual earnings of persons engaged in agriculture;
- (c) to stabilize markets;
- (d) to secure the availability of supplies;
- (e) to ensure that supplies reach consumers at reasonable prices.

(3) The Commission, after hearing the opinion of undertakings or associations of undertakings concerned, as well as every other natural or legal person, whose hearing is considered necessary, shall have exclusive power to determine, by its decision published in the Official Gazette of the Republic, which agreements, decisions and concerted practices fulfil the conditions provided for in subparagraphs (1) and (2).

(4) The Commission shall undertake such determination either on its own initiative or at the request of an interested undertaking or association of undertakings.

(5) The publication, according to subparagraph (3), shall

state the names of the parties, the main content of the decision and shall have regard to the legitimate interest of undertakings in the protection of their business secrets.

ANNEX

AGRICULTURAL PRODUCTS

No. in the Brussels Nomenclature	Description of products
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CHAPTER 1	Live animals.
CHAPTER 2	Meat and edible meat offals.
CHAPTER 3	Fish, crustaceans and molluscs.
CHAPTER 4	Dairy produce; birds' eggs; natural honey.
CHAPTER 5	
05.04	Guts, bladders and stomachs of animals, (other than fish), whole and pieces thereof.
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption.
CHAPTER 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage.
CHAPTER 7	Edible vegetables and certain roots and tubers.
CHAPTER 8	Edible fruit and nuts; peel of citrus fruit or melons.
CHAPTER 9	Coffee, tea and spices, excluding mate (heading No 09.03).
CHAPTER 10	Cereals.
CHAPTER 11	Products of the milling industry, malt and starches, gluten, inulin.
CHAPTER 12	Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder.
CHAPTER 13	
ex 13.03	Pectin.
CHAPTER 15	

- 15.01 Lard and other rendered pig fat; rendered poultry fat.
 - 15.02 Unrendered fats of bovine cattle, sheep or goats; tallow (including "premier jus") produced from those fats.
 - 15.03 Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way.
 - 15.04 Fats and oil, of fish and marine mammals, whether or not refined.
 - 15.07 Fixed vegetable oils, fluid or solid, crude, refined or purified.
 - 15.12 Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared.
 - 15.13 Margarine, imitation lard and other prepared edible fats.
 - 15.17 Residues resulting from the treatment of fatty substances or animal or vegetable waxes.
- CHAPTER 16 Preparations of meat, of fish, of crustaceans or molluscs.
- CHAPTER 17
- 17.01 Beet sugar and cane sugar, solid
 - 17.02 Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel.
 - 17.03 Molasses, whether or not decolourised.
 - 17.05 Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion.
- CHAPTER 18
- 18.01 Cocoa beans, whole or broken, raw or roasted.

18.02	Cocoa shells, husks, skins and waste.
CHAPTER 20	Preparations of vegetables, fruit or other parts of plants.
CHAPTER 22	
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol.
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol.
22.07	Other fermented beverages (for example, cider, perry and mead).
ex 22.08	Ethyl alcohol or neutral spirits, whether or not denatured, of any
ex 22.09	strength, obtained from agricultural products listed in this Annex, excluding liqueurs and other spirituous beverages and compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages.
22.10	Vinegar and substitutes for vinegar.
CHAPTER 23	Residues and waste from the food industries; prepared animal fodder.
CHAPTER 24	
24.01	Unmanufactured tobacco; tobacco refuse.
CHAPTER 45	
45.01	Natural cork, unworked, crushed, granulated or ground; waste cork.
CHAPTER 54	
54.01	Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags).
CHAPTER 57	

57.01 True hemp (*cannabis sativa*), raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes).