

# **Competition (Appeals) (Amendment) Regulations 2007**

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**No. S 350**

## **COMPETITION ACT (CHAPTER 50B)**

### **COMPETITION (APPEALS) (AMENDMENT) REGULATIONS 2007**

In exercise of the powers conferred by sections 71(3) and 72(15) of the Competition Act, the Minister for Trade and Industry hereby makes the following Regulations:

#### **Citation and commencement**

**1.** These Regulations may be cited as the Competition (Appeals) (Amendment) Regulations 2007 and shall come into operation on 1st July 2007.

#### **New Part IA**

**2.** The Competition (Appeals) Regulations (Rg 5) (referred to in these Regulations as the principal Regulations) are amended by inserting, immediately after regulation 6, the following Part:

## “PART IA

### APPEALABLE DECISIONS

#### **Appealable decisions under section 71 of Act**

**6A.** The following decisions are decisions prescribed for the purpose of the definition of “decision” in section 71(3) of the Act:

- (a) a decision for or in relation to the cancellation of a block exemption in respect of an agreement; and
- (b) a decision for or in relation to a refusal to vary, substitute or release a commitment accepted under section 60A of the Act.”.

#### **Amendment of regulation 7**

**3.** Regulation 7 of the principal Regulations is amended —

- (a) by deleting paragraph (1); and
- (b) by deleting paragraph (3) and substituting the following paragraphs:

“(3) Where an appeal from a decision of the Commission is —

- (a) as to whether the section 34 prohibition has been infringed;
- (b) as to whether the section 47 prohibition has been infringed;
- (c) on a direction given under section 67 of the Act in relation to the section 34 prohibition or the section 47 prohibition;
- (d) on a direction given under section 69 of the Act (including the imposition of any financial penalty or as to the amount of any such financial penalty) in relation to a decision that the section 34 prohibition or the section 47 prohibition has been infringed; or
- (e) for or in relation to the cancellation of a block exemption in respect of an agreement,

the notice of appeal shall be lodged within 2 months of the date on which the appellant was notified of the contested decision or the date of publication of the decision, whichever is the earlier.

(3A) Where an appeal from a decision of the Commission is —