

April 1990

			Fleet operations				Terminals		Pooling			Conf. rights	Marketing	Pricing	Inland operations		
Conference	Consortia	CONSORTIA SERVICE EUROPE Members	joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net result pool	consortia holds conference voting rights	joint marketing	joint bills of lading	(A) joint price fixing	joint consolidation	joint hauling
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Non Conference	Johnson Scanstar	Blue Star Line (UK), East Asiatic C* (DK)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes
US-conferences (for North Atlantic and Gulf)	Sayumex	Hapag Lloyd (D), CGM (F), GCL (Cunard, UK, Incotrans, NL, Swedish Transocean, Wallenius, S)	yes	yes	no	yes	yes	yes	no	no	no	no	no	no	no	no	no
Canadian W. Atlantic E&W Bound Freight Confe- rences	St.Lawrence Co-ordinated Services	Canada Maritime - comprising CMB (B) & CP Ships (Can) and NL Containerline (UK)	yes	yes	no	yes	yes	yes (B)	no	no	no	no	no	no	no	no	no
Association of W. India Trans- atlantic Steam Ship Lines	Caribbean Overseas Lines (CAROL)	Charente Steamship C* Ltd (T&J Harrison Managers) (UK), Hapag-Lloyd (D), Nedlloyd (NL), CGM (F)	yes	yes	no yes for Ree- fer	yes	yes	yes	yes	yes	yes	no	no	yes	no	no	no
Association of W. India Trans- atlantic Steam Ship Lines (WITASS)	SAC	Hapag-Lloyd (D), Nicaragua National Line	yes	yes	yes	no	yes	yes	yes	yes	yes	no	yes	yes	no	yes	yes

(A) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not do so.

(B) Negotiated and agreed jointly, and identical, but not in fact "joint contracts". (E) In some trades, the consortium operates either outside the conference or on routes where there is no conference. In such cases the consortium is engaged in joint price fixing.

Conference	Consortia	CONSORTIA SERVING EUROPE Members	Fleet operations				Terminals		Pooling			Conf. rights	Marketing		Pri- cing	Inland operations	
			joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net result pool	consortia holds conference voting rights	joint marketing	joint bills of lading	(A) joint price fixing	joint consolidation	joint haulage
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
European/South Pacific & Magellan Confer- ence	Eurandes	CNP (Peru) Euoremar (Chile)	no	no	no	yes	yes	yes	yes	no	yes	no	yes	yes	no	no	no
European/South Pacific & Magellan Confer- ence	Euroreal	CMB (B), CSAV (Chile), Napag Lloyd (D) Nedlloyd (NL), PSNC (UK), Transnave (Ecuador), Linaboli (Bolivia), CGM (F), Laser (S)	yes	yes	no	yes	yes	yes	yes	yes	no	no	no	no	no	no	no
Association of W. India Trans- atlantic Steam Ship Lines (WITASS)	Euro/Caribe	CGM (F), Napag Lloyd (D), Nedlloyd (NL)	yes	yes	no	yes	yes	yes	no	yes	no	no	no	yes	no	no	no
Bar./Argentina & Brazil Conferences	Joint Con- tainer Services	CMB (B), RZAL (NL), Havenlijn (NL), Nedlloyd (NL), Alencio (Bel), NSDG (D), SEAS (F), Brisa (UK)- compr. Blue Star, Lamport & Holt, Boulder & Royal mail	yes	yes	no	yes	yes	yes	yes	no	no	no	no	no	no	no	no
Association of W. India Trans- atlantic Steam Ship Lines (WITASS)	Laser Stream	Johnson Line (S), Effon- Finland Steamship, (Fin) Royal Mail Lines (UK) & Flomarca (Guatemala)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	no	yes	yes
Europe/E. Africa Conference	Beacon	CGM (F), DOAL (D) Ellerman (UK), T & J Harrison (UK) P&OCL (UK)	yes	yes	no	yes	yes	yes	no	no	no	no	no	no	no	no	no

(A) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not do so.

Conference	Consortia	CONSORTIA SERVING EUROPE Members	Fleet operations				Terminals		Pooling			Conf. rights	Marketing	Pri- cing	Inland operations		
			joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net result pool	consortia holds conference voting rights	joint marketing	joint bills of lading	joint price fixing	joint consolidation	joint haulage
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Continent/West Africa Confer- ence COWAC	Vessel Sharing Agreement	Soc. Navale Delmas, Medilloyd	yes	yes	no	no	yes	yes	no	no	no	no	no	no	no	no	no
Continent/W. Africa Confer- ence	EWAS	BNL (Nig), ED (UK), Palm (UK)	yes	yes	yes	yes	yes	yes	no	no	no	no	yes	yes	no	no	no
Continent/ W. Africa Conference	Scaden	Booth (N), BNL (S), FMO (F)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	no	yes	yes
Europe/South & S.E. African Conference	South Africa Europe Cont. Service Ltd	CMB (S), CCM (F), CD (F), DAL (D), Ellerman Morrison Container Line (UK), Lloyd Triestino (I), Medilloyd (NL), P&OCL (UK), Safmarine (S.A.)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes (C)	yes	no	yes	yes
UK W. Africa Lines Joint Services	UNWML	ED (UK), Palm Line (UK), Guinea Gulf Line (UK), Black Star Line (Ghana), BNL (Nig), Nigerian Green Line (Nig), CMZ (Zaire), Citron (Ivory Coast), Casship (Cameroon), Cobanua (Benin) Providence Liner Shipping (Lib)	yes	yes	yes	yes	yes	yes	yes	yes	no	- (D)	yes	yes	yes (D)	yes	yes
Europe Middle East Conf.	Red Sea Express Service	Canard (UK), Messerio (I) CMA (F), VEB Deutfracht Seerederei (DSR)	yes .	yes	no	yes	no	yes	no	yes	yes	no	no	no	no (E)	no	no

(N) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not do so. (C) Limited by regions.

(D) UNWML is both the consortium and the conference. As latter, it engages in joint price-fixing. (E) In some trades, the consortium operates either outside the conference or on routes where there is no conference. In such cases, the consortium is engaged in joint price-fixing.

15.

CAACE

-4-

Conference	Consortia	CONSORTIA SERVING EUROPE Members	Fleet operations				Terminals		Pooling			Conf. rights	Marketing		Pri- cing	Inland operations	
			joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net result pool	consortia holds conference voting rights	joint marketing	joint bills of lading	(A) joint price fixing	joint consolidation	joint haulage
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Israel/UK Conference	Combined Container Services	Ellerman (UK), Furness Withy (UK), Zim (Is)	yes	yes	no	yes	yes	yes	yes	yes	no	no	no	no	no	no	no
Levant Confe- rence - Turkey Conference - S. Europe Egypt Conference	Near East Container Line	BNOL (D), KNSM (NL)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	no	yes	no
Israel-Scandin- avian Association	Swedish Orient Lines (F)	Swedish Transocean (S) & Finncarriers (Fin)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	yes	yes	yes	yes
Indian Ocean Island Confe- rence (Cinacore)	Capricorn	CGN (F), Hapag Lloyd (D), MCHP (F), Seal (D), SMTH (Mado- gascar), SMC (F)	yes	yes	no	yes	yes	yes	yes	yes	yes	no	no	no	no	no	no

(A) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not do so.  
(F) No EEC members but operate to/from EEC ports.

-20-

Conference	Consortia	CONSORTIA SERVING EUROPE Members	Fleet operations				Terminals		Pooling			Conf. rights	Marketing	Pri- cing	Inland operations		
			joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net result pool	consortia holds conference voting rights	joint marketing	joint bills of lading	(A) joint price fixing	joint consolidation	joint haulage
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Far East Freight Conference	ACE	NOL (Sing), OOCL (HK), Korea Shipping Corp. (S.K.o.), Cho Yang Shipping (S.K.o.)	yes	yes	no	no	yes	yes	yes	no	no	no	no	no	no	no	no
Entente de Fret des Lignes de Navigation Servant Papete et Noumea	Bank & Columbus	Bank Line (UK), Columbus Line (D)	yes	yes	yes	no	yes	yes	yes	yes	yes	no	yes (C)	yes	no (Z)	yes	yes (C)
Indonesian Conference	Indonesia (P) Nat. Lines Djasagetri	Djakarta Lloyd Gaseri Lloyd Trihora Lloyd Somadara Indonesia (INDO)	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Far Eastern Freight Conference (Italy - FE)	MFECs (Medclub)	NCHP (P), Lloyd Triestino (I), MOL (J), NYK (J), OMEX (Taiwan, Hong Kong, Singapore, South Korea)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	yes	no	no	no

(A) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not do so. (C) Limited by regions.

(Z) In some trades, the consortium operates either outside the conference or on routes where there is no conference. In such cases, the consortium is engaged in joint price-fixing. (?) No EEC members but operate to/from EEC ports.

			Fleet operations				Terminals		Pooling			Conf. rights	Marketing	Pricing	Inland operations		
Conference	Consortia	CONSORTIA SERVING EUROPE Members	joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net result pool	consortia holds conference voting rights	joint marketing	joint bills of lading	(A) joint price fixing	joint consolidation	joint haulage
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Indonesia Europe Freight Conference	Medecon Indonesia Service	Medlloyd (NL), EDC (DK), Swedish Transocean (S), Wilh. Wilhelmsen (W)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	no	yes	yes
Far Eastern Freight Confe- rence	Omex (F)	Che Yang Shipping (S. Kor) NOL (Sing), OOCL (HK)	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Far Eastern Freight Confe- rence	ScanButch	CGM (F), East Asiatic Co. (DK) Medlloyd (NL), Swedish Transocean (S), Wilh. Wilhelmsen (W)	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	no	yes	yes
Far Eastern Freight Confe- rence	Trio	P&OCL (UK) Ben Line (UK), Hapag-Lloyd (D), NYK (J), Nippon OSK (J)	yes	yes	no	yes	yes	yes	yes	yes	yes	no	no	no	no	no	no
Europe/ Australia & S.E. Confe- rence	AMEDCS	CGM (F), Hapag-Lloyd (D), Lloyd Triestino (I), Medlloyd (P&OCL (UK), SCNZ (NZ)	yes	yes	yes (G)	yes	yes	yes	yes	yes	yes only for see- leg	no	yes (C)	yes	no	yes (C)	yes (C)

(A) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not do so. (C) Limited by regions.  
(F) No EEC members but operate to/from EEC ports. (G) Among some members.

Conference	Consortia	CONSORTIA STEAMSHIP EUROPE Members	Fleet operations				Terminals		Pooling			Conf. rights	Marketing		Pri- cing	Inland operations	
			joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net results pool	consortia holds conference voting rights	joint marketing	joint bills of lading	(A) joint price fixing	joint consolidation	joint hauls
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Medcan Conference	Canada Line	Canada Maritime, Italia di Navigazione (Finmare), Group Transatl. Espanola	yes	yes	no	no	no	yes (B)	no	no	no	no	no	no	no	no	no
COMAC	The Group	Hoegh (H), Nedlloyd (NL) SMC (F) SMO (F), SMAL (S), DAL/WL (D)	yes	yes	no	no	yes	yes	yes	yes	yes	no	no	no	no	no	no
UK Mid conference	WCUK Trade Service	Ellerman City Liners (UK) Furness Withy (UK)	yes	yes	no	no	no	yes	yes	yes	yes	no	no	no	no	yes	no

(A) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not so.

(B) Negotiated and agreed jointly, and identical, but not in fact "joint contracts".

Conference	Consortia	CONSORTIA SERVING EUROPE Members	Fleet operations				Terminals		Pooling			Conf. rights	Marketing	Pri- cing	Inland operations		
			joint schedule	space/slot exchange	equipment pool	joint opera- tional office	joint terminal operation	joint terminal contracts	cargo pool	revenue pool	net result pool	consortia holds conference voting rights	joint marketing	joint bills of lading	(A) joint price fixing	joint consolidation	joint haulage
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
NEUSARA/ USAMERA	Sagu	ACL, CGM, (F), Hapag-Lloyd (D)	yes	yes	no	yes	yes	yes	no	no	no	no	no	no	no	no	no
	North Eur. North Am. Space char- ter and sailing agreement	CGM (F), Hapag-Lloyd (D), Incotrans (N), P&OCL (UK), Nedlloyd (N), Sealand (US)	yes	yes	no	yes	yes	yes	no	no	no	no	no	no	no	no	no
	Vessel sharing agreement	Nedlloyd (N), P&OCL (UK), Sealand (US)	yes	yes	no	no	yes	yes	no	no	no	no	no	no	no	no	no
SEUSA/ WMRA	Vessel sharing agreement	Nedlloyd (N), P&OCL (UK), Sealand (US), CTE (E)	yes	yes	no	no	yes	yes	no	no	no	no	no	no	no	no	no
	Mexico	ACL, Tecomar (M)	yes	yes	no	no	yes	yes	no	no	no	no	no	no	no	no	no

(A) In some cases, the consortium would have the authority to price-fix but the "no" reflects that it does not so.

-24-



List of consortia agreements received by the Commission

ANZECS

BEACON

CAROL Operating Agreement

(these three agreements submitted by CAACE in 1987)

ACL

Scan Carriers

Scan Dutch

(these three agreements submitted by their representatives in 1988)

TRIO

Nedscans Letter of Intent

Johnson ScanStar

EUROSAL

Swedish Orient Line Agreement

West Coast UK Arab Service Operating Agreement

Streamline Joint Liner Service Agreement

Canada Maritime Slot Charter Agreement

COSEWA Common Services

S.C.A.D.O.A. - Service Commun d'Armements Desservant l'Ouest Africa

Joint Container Service Europe - East Coast South America

COBRA Operating Agreement (covering Phase I)

Red Sea Express Service (former CAMEL Merzario)

(all these agreements submitted by CAACE in 1989)

CAROL Lines Joint Service Agreement

Trans Freight Lines Joint Venture Agreement

Pacific Europe Express Joint Service Agreement

Italia - d'Amico Joint Service Agreement

(these four agreements received from the Federal Maritime Commission  
Washington D.C.)

(MULTIPLE MEMBERSHIPS OF LINES/CONSORTIA/CONFERENCES)

FAR EASTERN FREIGHT CONFERENCE

OMEX

Cho Yang Shipping (SKO) CGM (F)  
NOL (Sing)  
OOCL (H.K.)

SCANDUTCH

Nedlloyd (NL)  
East Asiatic (DK)  
Wilhelmsen (N)  
Swedish Transocean (S) Mitsui OSK (J)

TRIO

P&OCL (UK)  
Ben Line (UK)  
Hapag Lloyd (D)  
NYK (J)

ACE

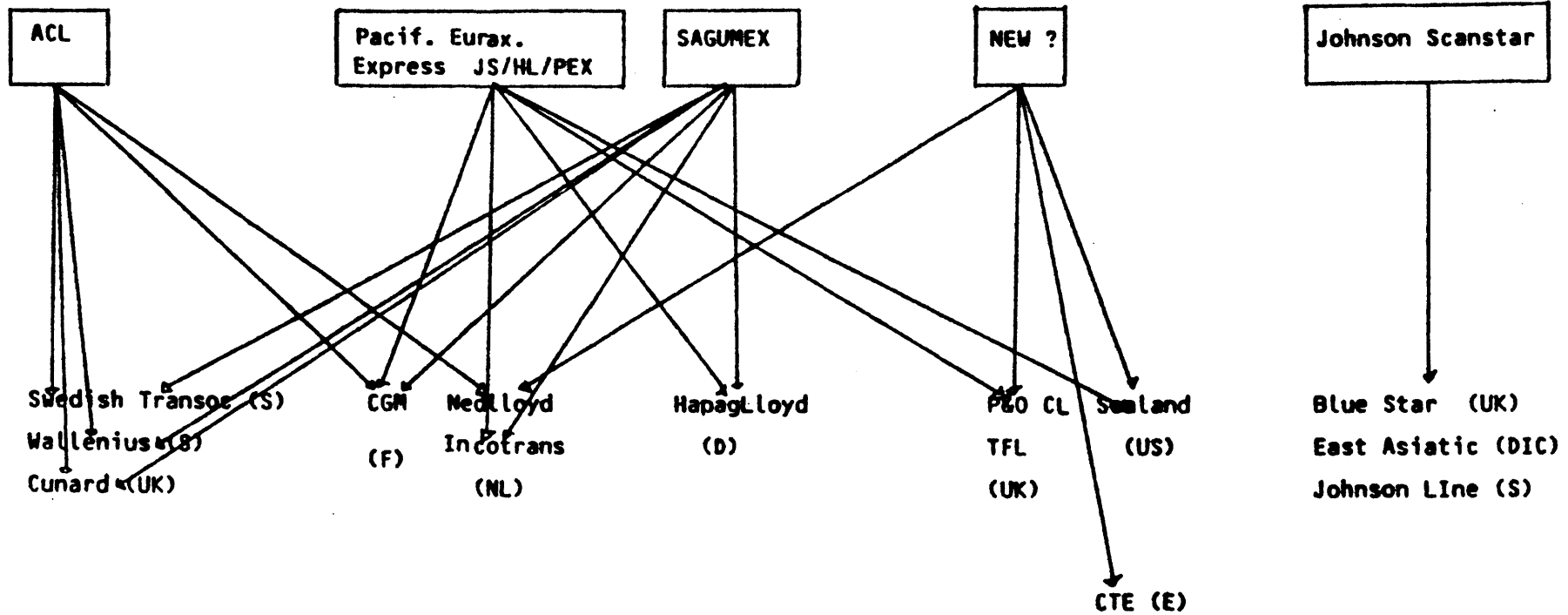
NOL (Sing)  
OOCL (UK)  
Korea Shipp. Corp. (SKO)  
Cho Yang Shipp. (SKO)  
Kawasaki Kisen Kaisha (J)

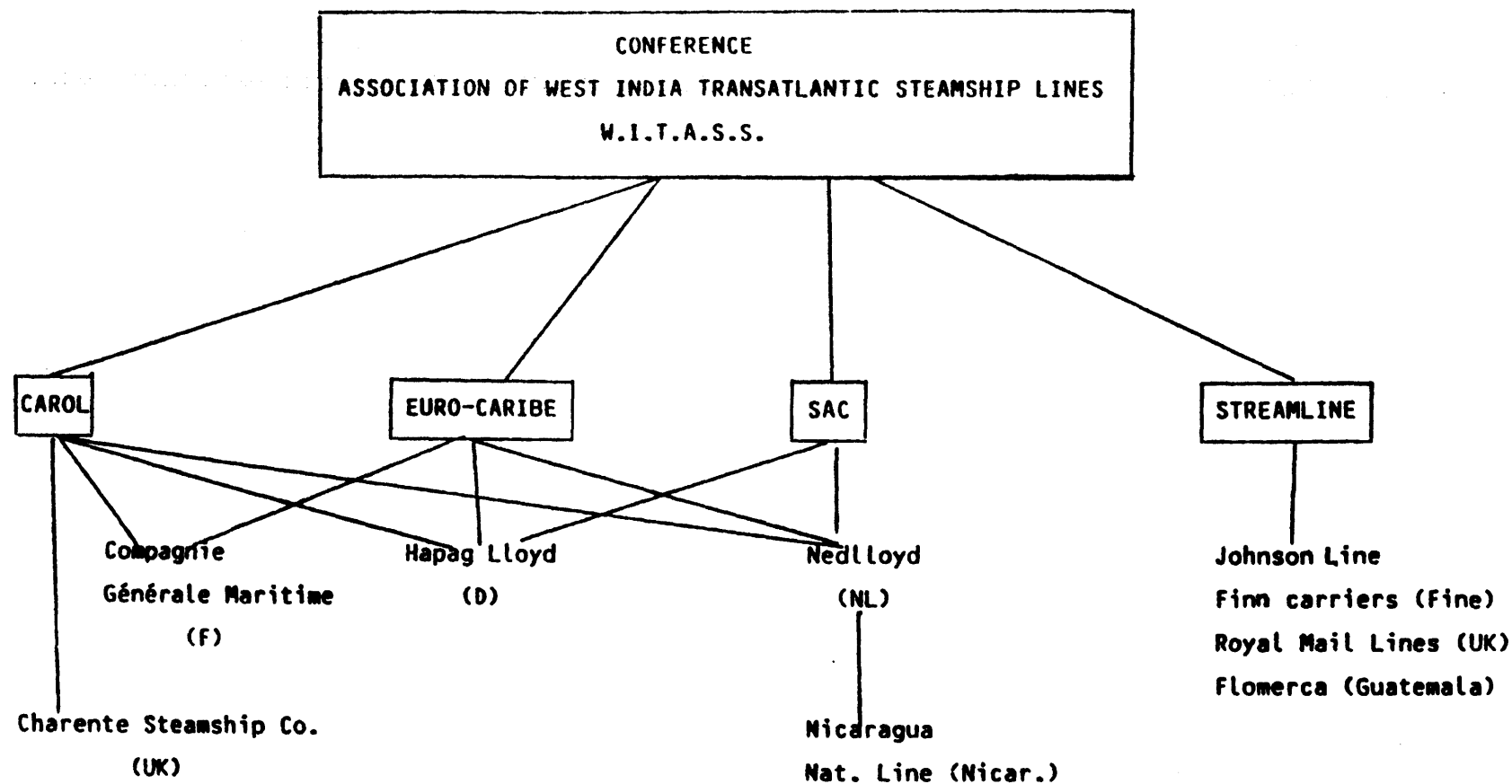
MED CLUB

? (F)  
Lloyd Triestino (I)  
NOL (Sing.)  
NYK (J)  
OMEX  
(Taiwan, Hong Kong,  
Singapore, South Korea)

(MULTIPLE MEMBERSHIP LINES/CONSORTIA/CONFERENCES)

NEUSARA / USANERA  
US/EUROPE RATE AGREEMENTS





COUNCIL REGULATION (EEC) No OF

On the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices between shipping companies.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 87 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the Opinion of the European Parliament<sup>2</sup>,

Having regard to the Opinion of the Economic and Social Committee<sup>3</sup>,

Whereas Article 85(1) of the Treaty may in accordance with Article 85(3) be declared inapplicable to categories of agreements, decisions and concerted practices which fulfil the conditions contained in Article 85(3);

Whereas the provisions for the application of Article 85(3) should be adopted by way of Regulation pursuant to Article 87; whereas, according to Article 87(2)(b), such a Regulation must lay down detailed rules for the application of Article 85(3), taking into account the need to ensure effective supervision, on the one hand, and to simplify administration to the greatest possible extent on the other; whereas, according to Article 87(2)(d), such a Regulation is required to define the respective functions of the Commission and of the Court of Justice;

-----  
<sup>1</sup>O.J.

<sup>2</sup>O.J.

<sup>3</sup>O.J.

Whereas liner shipping is a capital intensive industry; whereas containerization has increased pressures for co-operation and rationalisation; whereas the Community shipping industry needs to attain the necessary economies of scale in order to compete successfully on the world liner shipping market;

Whereas joint service agreements between liner shipping companies with the aim of rationalising their operations by means of technical, operational and/or commercial arrangements (described in shipping circles as consortia) can help to provide the necessary means for improving the productivity of liner shipping services and promoting technical and economic progress;

Whereas users of the shipping services offered by consortia can obtain a share of the benefits resulting from the improvements in productivity and service, by means of, inter alia, regularity, cost reductions derived from higher levels of capacity utilization, better service quality stemming from improved vessels and equipment, and efficient door-to-door transport;

Whereas most consortia deal with multi-modal transport operations which fall partly within the scope of Council Regulation (EEC) No 4056/86<sup>4</sup> and partly under Council Regulation (EEC) No 1017/68<sup>5</sup> and, insofar as containers are concerned, partly under Regulation No 17/62 of the Council<sup>6</sup>;

Whereas the Commission should be enabled to declare by way of regulation that the provisions of Article 85(1) do not apply to certain categories of consortia agreements, decisions and concerted practices,

---

<sup>4</sup>O.J. No L378, 31.12.1986, p. 4.

<sup>5</sup>O.J. No L175, 23.7.1968, p. 1; (Special edition 1968 I, p. 302).

<sup>6</sup>O.J. No 13, 21.2.1962, p. 204/62; (Special edition 1959-1962, p. 87).

in order to make it easier for undertakings to cooperate in ways which are economically desirable and without adverse effect from the point of view of competition policy;

Whereas the Commission, in close and constant liaison with the competent authorities of the Member States, should be able to define precisely the scope of these exemptions and the conditions attached to them;

Whereas consortia in liner shipping are a specialized and complex type of joint venture; whereas there is a great variety of different consortia agreements operating in different circumstances; whereas the scope, parties, activities or terms of consortia are frequently altered; whereas the Commission should therefore be given the responsibility of defining from time to time the consortia to which the group exemption should apply;

Whereas, in order to ensure that all the conditions of Article 85(3) are met it would be necessary to attach to the block exemption conditions to ensure in particular that a fair share of the benefits would be passed on to shippers and that competition is not eliminated;

Whereas under Article 11(4) of Council Regulation (EEC) No 4056/86, Article 11(4) of Council Regulation (EEC) No 1017/68, and Article 6 of Regulation No 17 of the Council, the Commission may provide that a decision taken in accordance with Article 85(3) of the Treaty shall apply with retroactive effect; whereas it is desirable that the Commission be empowered to adopt, by regulation, provisions to the like effect;

Whereas notification of agreements, decisions and concerted practices falling within the scope of this regulation shall not be made compulsory, being primarily the responsibility of undertakings to see to it that they conform to the rules on competition, and in particular to the conditions laid down by regulation concerning liner shipping consortia;

Whereas there can be no exemption if the conditions set out in Article 85(3) are not satisfied; whereas the Commission should therefore have power to take the appropriate measures where an agreement proves to have effects incompatible with Article 85(3); whereas the Commission should consequently be able first to address recommendations to the parties and then to take decisions;

HAS ADOPTED THIS REGULATION:

#### ARTICLE 1

1. Without prejudice to the applications of Regulation (EEC) No 4056/86, Regulation (EEC) No 1017/68 and Regulation No 17, the Commission may, by regulation and in accordance with Article 85(3) of the Treaty, declare that Article 85(1) shall not apply to categories of agreements between undertakings, decisions of associations of undertakings and concerted practices that have as their object to promote or establish cooperation in the joint operation of maritime transport services or of combined maritime and land transport services.
2. Such regulation shall define the categories of agreements, decisions and concerted practices to which it applies and shall specify the conditions and obligations under which, pursuant to Article 85(3) of the Treaty, they shall be considered exempted from the application of Article 85(1) of the Treaty.

#### ARTICLE 2

1. The Regulation pursuant to Article 1 shall be made for a specified period.
2. It may be repealed or amended where circumstances have changed with respect to any of the facts which were basic to its being made.



ARTICLE 3

The regulation adopted pursuant to Article 1 may include a provision that it applies with retroactive effect to agreements, decisions and concerted practices which were in existence at the date of entry into force of such regulation, provided they comply with the conditions established therein.

ARTICLE 4

Before adopting the regulation, the Commission shall publish a draft thereof to enable all persons and organizations concerned to submit their comments within such reasonable time limit, being not less than one month, as the Commission shall fix.

ARTICLE 5

1. Before publishing the draft regulation and before adopting the regulation the Commission shall consult:
  - a) The Advisory Committee on Agreements and Dominant Position in Maritime Transport established by Article 15(3) of Regulation (EEC) No 4056/86;
  - b) the Advisory Committee on Restrictive Practices and Monopolies in the Transport Industry established by Article 16(3) of Regulation (EEC) No 1017/68;
  - c) the Advisory Committee on Restrictive Practices and Monopolies established by Article 10(3) of Regulation 17.
2. Paragraphs 5 and 6 of said provisions, relating to consultation with the Advisory Committees, shall apply, it being understood that joint meetings with the Commission shall take place not earlier than one month after dispatch of the notice convening them.

ARTICLE 6

1. Where the persons concerned are in breach of a condition or obligation which attaches to an exemption granted by the Regulation adopted pursuant to Article 1, the Commission may, in order to put an end to such a breach:

- address recommendations to the persons concerned, and
- in the event of failure by such persons to observe those recommendations, and depending on the gravity of the breach concerned, adopt a decision that either prohibits them from carrying out, or requires them to perform, specific acts or, while withdrawing the benefit of the block exemption which they enjoyed, grants them an individual exemption in accordance with Article 11(4) of Regulation (EEC) No 4056/86, Article 11(4) of Regulation (EEC) No 1017/68 and Article 6 of Regulation No 17, as appropriate, or withdraws the benefit of the block exemption which they enjoyed.

2. Where the Commission, either on its own initiative or at the request of a Member State or of natural or legal persons claiming a legitimate interest, finds that in any particular case an agreement, decision or concerted practice to which the block exemption granted by the regulation adopted pursuant to Article 1 applies, nevertheless has effects which are incompatible with Article 85(3) or are prohibited by Article 86, it may withdraw the benefit of the block exemption from those agreements, decisions or concerted practices and take all appropriate measures for the purpose of bringing these infringements to an end, pursuant to Article 13 of Regulation (EEC) No 4056/86, Article 13 of Regulation (EEC) No 1017/68 and Article 8 of Regulation No 17, as appropriate.

3. Before taking a decision under paragraph 2, the Commission may address recommendations for termination of the infringement to the persons concerned.

ARTICLE 7

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

The President

ISSN 0254-1475

COM(90) 260 final

# DOCUMENTS

EN

07

---

Catalogue number : CB-CO-90-287-EN-C  
ISBN 92-77-61376-9

PRICE	1 - 30 pages: 3.50 ECU	per additional 10 pages: 1.25 ECU
-------	------------------------	-----------------------------------

Office for Official Publications of the European Communities  
L-2985 Luxembourg