



Exemption from the competition rules for interbranch organisations – Article 210 CMO

Article 101 TFEU shall NOT apply to agreements, decisions and concerted practices of IBOs, if the following conditions are fulfilled:

- **Recognised** Interbranch organisation, 157 (1) CMO - all IBOS , 157 (3) CMO – milk IBOs, 162 CMO –table olives, tobacco IBOs,
- Notification to the Commission,
- Commission does not find incompatibility with Union rules within two months after having all information
- Agreements will not be allowed, if they
 - may lead to market partitioning
 - may affect the sound operation of the market organisation
 - may create distortions which are not essential to achieving the CAP objectives
 - entail price fixing or the fixing of quotas
 - may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.



Article 210 CMO – Notification Procedure

- Interbranch organisation notifies the Commission of the agreement, decision or concerted practice.
- Communication of notification documents to **AGRI-NOTIFICATION-210-CMO@ec.europa.eu**. (Receipt will be acknowledged)
- It is recommended that the notification includes
 - the agreement, decision or concerted practice
 - a summary of the content of the agreement, decision or practice
 - information which demonstrates that the agreement, decision or practice is compatible with Union rules and in particular does not have as its object or produces any of the effects mentioned in Article 210 (4) CMO Regulation
 - Contact details of the notifying IBO.
- Commission will acknowledge the receipt of the notification.
- Commission might ask for further information within two months after receipt of the notification (Receipt will be acknowledged).

Article 210 CMO - Procedure

- Upon receipt of all details required by the Commission, the Commission either:
 - informs the Interbranch Organisation that it does not have any objections or
 - sets out its findings that the agreements, etc. are incompatible with the Union rules.
- If the Commission does not react within two months after receipt of all details required, Article 101 (1) TFEU does not apply to the Agreement in question.
- However, even after expiry of the two months period, Commission can adopt a decision finding that Article 101 (1) TFEU applies to the agreement in question.