

NOTIFICATIONS BY COMPETITION COMMISSION OF INDIA GIVING RELAXATIONS FROM SECTION 5 & 6 IN 2017

**MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION**

New Delhi, the 22nd November, 2017

In exercise of the powers conferred by clause (a) of Section 54 of the Competition Act, 2002 (12 of 2003) (herein after referred to as the Act), the Central Government in the public interest hereby exempts all cases of combinations under section 5 of the Act involving the Central Public Sector Enterprises (CPSEs) operating in the Oil and Gas Sectors under the Petroleum Act, 1934 (30 of 1934) and the rules made there under or under the Oilfields (Regulation and Development) Act, 1948 (53 of 1948) and the rules made there under, along with their wholly or partly owned subsidiaries operating in the Oil and Gas Sectors, from the application of the provisions of sections 5 and 6 of the Act, for a period of five years from the date of publication of this notification in the Official Gazette.

**MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION**

New Delhi, the 30th August, 2017

In exercise of the powers conferred by clause (a) of Section 54 of the Competition Act, 2002 (12 of 2003), the Central Government in the public interest hereby exempts, all cases of reconstitution, transfer of the whole or any part thereof and amalgamation of nationalized banks, under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), from the application of provisions of Sections 5 and 6 of the Competition Act, 2002 for a period of ten years from the date of publication of this notification in the Official Gazette.

**MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION**

New Delhi, the 10th August, 2017

In exercise of the powers conferred by clause (a) of section 54 of the Competition Act, 2002 (12 of 2003), the Central Government, in public interest, hereby exempts the Regional Rural Banks in respect of which the Central Government has issued a notification under sub-section (1) of section 23A of the Regional Rural Banks Act, 1976 (21 of 1976), from the application of provisions of sections 5 and 6 of the Competition Act, 2002 for a period of five years from the date of publication of this notification in the Official Gazette.

**MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION**

New Delhi, the 29th June, 2017

In exercise of the powers conferred by clause (a) of section 54 of the Competition Act, 2002 (12 of 2003), the Central Government, in public interest, hereby exempts every person or enterprise who is a party to a combination as referred to in section 5 of the said Act from giving notice within thirty days mentioned in sub-section (2) of section 6 of the said Act, subject to the provisions of sub-section (2A) of section 6 and section 43A of the said Act, for a period of five years from the date of publication of this notification in the Official Gazette.

SECTION 54 of COMPETITION ACT

Exemption from giving notice in 30 days u/s 6(2)

CG, in public interest, hereby exempts every person or enterprise who is a party to a combination as referred to in section 5 of the said Act from giving notice within 30 days mentioned in section 6(2) of the said Act, subject to the provisions of section 6(2A) {210 days time for effecting a combination) and section 43A (Penalty of 1%) of the said Act, for a period of 5 years from the date of publication of this notification in the Official

Exemption to Regional Rural Banks sections 5

CG, in public interest, hereby exempts the Regional Rural Banks in respect of which the CG has issued a notification under Regional Rural Banks Act, 1976, from the application of provisions of sections 5 and 6 for a period of 5 years from the date of publication of this notification in the Official Gazette.

Exemption to the Vessels Sharing Agreements of Liner Shipping Industry from the provisions of section 3 of the said Competition Act, 2002

During the said period of 1 year, the Director General, Shipping, Ministry of Shipping, Government of India shall monitor such agreements and for which, the persons CG, in public interest, hereby exempts the **Vessels Sharing Agreements of Liner Shipping Industry** from the provisions of section 3 of the said Act, for a period of 1 year with effect from the 20th June, 2017, in respect of carriers of all nationalities operating ships of any nationality from any Indian port provided such agreements do NOT include concerted practices involving fixing of prices, limitation of capacity or sales and the allocation of markets or customers. During the said period of 1 year, the Director General, Shipping, Ministry of Shipping, Government of India shall monitor such agreements and for which, the persons responsible for operations of such ships in India shall file copies of existing Vessels Sharing Agreements to be entered into with applicability during the said period along with other relevant documents within 30 days of the notification in the Official Gazette or within 10 days of signing of such agreements, whichever is later, with the Director General, Shipping.

Exemptions to nationalized banks, from Sections 5 and 6

CG in the public interest hereby exempts, all cases of reconstitution, transfer of the whole or any part thereof and amalgamation of nationalized banks, under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, from the application of provisions of Sections 5 and 6 of the Competition Act, 2002 for a period of 10 years from the date of publication of this notification in the Official Gazette.

Exemption to whom?	For how long?	Exemption from what?
Every person entering into mergers	5 years	Filing form I within 30 days. However merger shall not be effective until 210 days from Trigger Event
Regional Rural Banks	5 years	From Section 5 & 6 on mergers
Shipping Companies(Liners)	1year	Vessel sharing Agreements(VSA) from Sec 3: Anti constructive agreements, provided VSA is filed with DG, Shipping
Nationalized banks	10	Sec 5 & 6 on mergers