

COMPETITION COMMISSION OF PAKISTAN
Government of Pakistan

GUIDE LINES FOR SEEKING ADVICE

1. **Application for seeking advice:** The application for seeking advice may be sent directly to the Competition Commission of Pakistan (the “CCP”) alongwith the following documents:
 - (1). Two additional copies of the application;
 - (2). A copy of the legal opinion, obtained from legal advisor;
 - (3). Pay order/Bank draft of Rs.100,000/- (Rupees one hundred thousand only) in favour of the CCP or copy of challan bearing deposit of the said amount in the (Please indicate name of Bank); and
 - (4). In the case of complex matter the CCP may charge an additional fee.

2. **Contents of application:** The application seeking advice from CCP shall clearly state:
 - (1). issues on which advice is sought;
 - (2). provisions of law under which the question (s) arises; and
 - (3). facts and information which the applicant believes, to be material.
 - (4). Disclosure of the companies or persons involved;
 - (5). Factual support for the assertions concerning issues,e.g. market definition and market share, shall be stated clearly;
 - (6). Complete, organized forthright submissions containing data, necessary to evaluate the facts, will enable the Commission for quick disposal; and
 - (7). Clear description of the proposed conduct and relationship among the participants, identification of relevant markets, and discussion on the points which likely have competitive impact shall be furnished to the CCP;
 - (8). The CCP may ask for submission of additional facts and information, if required, prior to issue of an advice.

3. **Time period for Advice:** On receipt of an application, alongwith documents mentioned under (2) above, the CCP shall endeavor to give an advice within 30 days. However, in complex matters it may extend the time period.

4. **Nature of Advice:** Advice given upon request of an undertaking in pursuance of Section 28(d) of the Ordinance shall be in the nature of non-

binding advisory opinion. The advice shall neither be a substitute for legal advice nor shall it constitute an approval, consent or permission, for and on behalf of the CCP under law. Accordingly Advices shall be given under express DISCLAIMER to the effect.

5. **Protection for acts done in good faith:** The CCP will not proceed against the requesting party with respect to any action taken in good faith and in reliance upon the CCP's advice, provided that all relevant facts were fully, completely, and accurately presented to the CCP and where such action was promptly discontinued upon notification of rescission or revocation of the CCP's approval.
6. **Limitations:** Rendering of advice by the CCP shall be subject to inter-alia the following limitations.
 - (1). Hypothetical questions will not be answered.
 - (2). The proposal needs to be fully developed so that the CCP can evaluate it. Organizational efforts can go forward without jeopardizing the availability of an opinion, so long as the specific actions that give rise to the antitrust issues are not carried out.
 - (3). A request normally will be considered inappropriate where the same or substantially the same course of action is under investigation or is/or has been the subject of a current proceeding involving the CCP or another governmental agency.
 - (4). Any advice given by the CCP will be without prejudice to the right of the CCP to reconsider the questions involved and, where the public interest so requires, to rescind or revoke the action, notice of such rescission or revocation will be given to the requesting party so that it may discontinue the course of action taken pursuant to the CCP's advice.
 - (5). The CCP's advisory opinion, aims at addressing legal issues based on recited facts; rendering opinions that require extensive investigation is not envisaged.
 - (6). Without prejudice to clause (5) above, in some cases, where investigation will be necessary to evaluate claimed efficiencies or to predict competitive effects. This is especially true in merger matters, and they need extensive investigation which may make it impossible for the CCP to provide a definitive opinion in some instances.
 - (7). The CCP shall not in routine investigate to verify information provided to support geographic or product market definition or market share. Therefore, the conclusions in the opinion would be subject to the accuracy of the factual representations. There are number of reasons for this: availability of resources, time limits, questions concerning the validity of conclusions that can be drawn based on adhoc investigation, without process or complainants, of prospective conduct. Thus, in most cases the opinion will be only as good as the information provided to support it.