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**PART II
Statutory Notifications (S. R.O)**

**GOVERNMENT OF PAKISTAN
COMPETITION COMMISSION OF PAKISTAN**

NOTIFICATION

Islamabad, the 7th September, 2020

S. R. O. 1097 (I)/2020.— In exercise of the powers conferred by sub-section (2) of section 28 of the Competition Act, 2010 (the 'Act'), and in supersession of the previous notification No. SRO 1128(I)/2019 dated 19 June 2019 and further amendments made on 05 November, 2019, the Competition Commission of Pakistan (the Commission), subject to such conditions as it may think fit to impose from time to time, hereby delegates the following functions and powers of the Commission to its Members and officers, namely:-

1. Chairperson

S. No.	Relevant Section of Competition Act, 2010	Nature of Function/power
1	28(2)	Constitute Benches, or authorize any Member to conduct the proceedings under Section 30 of the Act and to pass any Order under Section 31 or any other enabling provision of the Act.
2	28(1)(f) read with 28(2) read with Regulation 4(1)(c) of the Competition Commission (Conduct of Business) Regulations, 2007	Assign any function or the post to any officer of the Commission as may be deemed appropriate in the circumstances.

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2. Member (Exemptions)

S. No.	Relevant Section of Competition Act, 2010	Nature of Function/power
1	5	Grant of individual exemption(s), which <i>inter alia</i> include Template Exemption(s), from Section 4 with respect to a particular practice or agreement, if a request for such an exemption has been received.
2	6	(i) To cancel or withdraw individual or template exemption or variance of the conditions originally imposed. (ii) To authorize the conduct of enquiry for the purposes of cancelling or withdrawing the exemptions already granted

3. Member (Mergers and Acquisitions)

1	11(5)	To pass an Order under Section 31 (d).
2	11(6)	To pass an Order initiating a Second Phase Review.
3	11(8)	To reject the application if the concerned undertakings fail to provide the information called for.
4	11(12)	To pass appropriate orders against any undertaking which has consummated a merger without complying with the provisions of sub-section (1) to sub-section (4) of section 11.
5	11(13)	To authorize the initiation of review of the order passed earlier.

4. Member (Competition Policy & Research)

S. No.	Relevant Section of Competition Act, 2010	Nature of Function/power
1	28(1)(b)	To authorize the conduct of studies for promoting competition in any or all sectors of commercial economic activity, subject to budgetary allocations.

5. Member (Media & Advocacy)

S. No.	Relevant Section of Competition Act, 2010	Nature of Function/power
I	28(1)(e)	To authorize, such advocacy measures, which are required for the purposes of implementing the object of the Act, Subject to budgetary allocations.

6. Director General (Cartels and Trade Abuses)

S. No.	Relevant Section of Competition Act, 2010	Nature of Function/power
1	28(1)(c) read with Section 37(2)	To initiate and conduct enquiry, on a formal complaint filed under Section 37(2) of the Act, into the affairs of any undertaking as may be necessary for alleged violation of Sections 3 & 4 of the Act.
2	33	To exercise powers in relation to the enquiry as per Section 33.*
3	36	To exercise the powers for calling information through special or general order.

7. Director General (OFT)

S. No.	Relevant Section of the Competition Act, 2010	Nature of Function/power
1	28(1)(c) Read with Section 37(2)	To initiate and conduct enquiries, on a formal complaint filed under Section 37(2) of the Act, into the affairs of any undertaking as may be necessary for disposal of cases of deceptive marketing practices.
2	33	To exercise powers in relation to the proceeding or enquiry as per section 33.*
3	36	To exercise the powers for calling information through special or general order.

8. Director General (Exemptions)

S. No.	Relevant Section of Competition Act, 2010	Nature of Function/power
1	6	To initiate & conduct enquiry, for the purposes of cancellation or withdrawal of an exemption.
2	28(1)(c) read with Section 37(2)	To initiate and conduct enquiries, on a formal complaint tiled under Section 37(2) of the Act, into the affairs of any undertaking as may be necessary for disposal of cases of exemptions or extension in exemptions.
3	33	To exercise powers in relation to the enquiry as per Section 33.*
4	36	To exercise the powers for calling information through special or general order.

9. Head of Department (Mergers and Acquisitions)

S. No.	Relevant section of the Competition Act, 2010	Nature of Function/power
1	28(1)(c) read with Section 37(2)	To initiate and conduct enquiry, on a formal complaint, into the affairs of any undertaking as may be necessary for enforcement of provisions of Section 11 of the Competition Act, 2010.
2	33	To exercise powers in relation to the enquiry as per section 33.*
3	36	To exercise the powers for calling information through special or general order.

10. Director General (Legal)

S.No.	Relevant section of the Competition Act, 2010	Nature of Function/power
1	28(1)(d)	To give advice to undertaking(s) asking for the same as to whether any action proposed to be taken by such undertaking(s) is consistent with the provisions of this Act, rules or orders made thereunder.

11. Director General (Competition Policy & Research)

S.No.	Relevant section of the Competition Act, 2010	Nature of Function/power
1	36	To exercise the powers for calling information through special or general order.

12. Registrar

S. No.	Relevant Section of the Competition Act, 2010	Nature of Function/power
1	30	To initiate proceedings under Section 30 of the Act for <i>prima facie</i> violation of provisions of Chapter 11 of the Act in the enquiries initiated and concluded under Section 37(2) of the Act, upon recommendation of the concerned Director General.
2	38(1)(b)	Initiate proceedings for non-compliance of Orders of the Commission.
3	38(5)	With the approval of the Commission, file prosecutions in the Court of Competent Jurisdictions for non-compliance of Orders.
4	40	To initiate action(s) for recovery of penalties.

Note:

- i. The powers delegated to Members, Director Generals and Officers shall also be exercised concurrently by Chairperson or the Commission: and
- ii. In case the functional quorum of the three (3) Members of the Commission is not complete, the powers to initiate enquiry under Section 37(1) of the Act or authorizing the Search and Inspection under Section 34 of the Act or enforcing forcible entry under Section 35 of the Act, shall be approved by the Chairperson / Acting Chairperson and one Member.
- iii. In case, the post of a Director General is vacant in a Department, or he/she is on leave, the powers and functions delegated to the Director General under this Notification, shall be exercised by next Senior Most Officer not below the rank of Joint Director.
- iv. The powers of the Commission regarding hearing of a case and issuance of order related thereto may concurrently be exercised by the Member concerned and subject to the delegation by the Chairperson.
- v. The powers under Section 33 of the Act may be exercised by the Enquiry Committee headed by an officer not below the rank of Joint Director, jointly, during the course of enquiry.

NOMAN LAIQ,
(Secretary).