



File No: 2(696)/AGR/EXM/CCP/2023
COMPETITION COMMISSION OF PAKISTAN
GOVERNMENT OF PAKISTAN

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EXEMPTION CERTIFICATE

In pursuance of the powers conferred under Section 5 read with Section 9 of the Competition Act, 2010 (the "Act") and based on the information provided by M/s Lucky Core Industries Limited (the "applicant") the Commission hereby grants exemption on the relevant clauses of the Manufacturing, Distribution and Marketing Services Agreement from the application of Section 4 of the Act as per the conditions mentioned hereunder:

PARTICULARS OF THE AGREEMENT

First Party:	M/s. Atnahs Pharma UK Limited ("Pharmanovia") having its registered office at Suite 1, 3 rd Floor, 11-12 ST.James' Square, London, United Kingdom.
Second Party: (Applicant)	M/s. Lucky Core Industries Limited ('Distributor') having its registered office at 5 - West Wharf, Karachi.
Type of Agreement:	Manufacturing, Distribution and Marketing Services Agreement (the "Agreement") – an initialed copy of the Agreement is attached herewith
Date entered into:	28 th June 2022
Validity of the Agreement:	For a period of five (05) years from the effective date unless terminated earlier (Clause – 24)
Product(s):	Products I- API for products (Initialed list annexed) Products II- Products to be manufactured (Initialed list annexed)



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PARTICULARS OF THE EXEMPTION GRANTED	
Exemption granted:	On territorial exclusivity and non-compete Clause 2.1, 2.2, 2.5, 2.7, 2.9 and 8.2 of the "Agreement"
Granted period:	From 28 th June, 2022 to 31 st December, 2025
Conditions:	<ol style="list-style-type: none">i. By virtue of exemption granted on the relevant clauses of the Agreement, the parties to the Agreement shall not engage directly or indirectly in any practice(s) and/or conduct(s) that are prohibited under the Act;ii. This Exemption is being granted only to the extent of manufacturing, distribution and marketing service of "products" covered under the "Agreement";iii. The Applicant shall prepare and submit the summary as required pursuant to clause 2.10 (F) of the "Agreement", to the Commission by 31st July, 2024;iv. In the event of any sub-contracting pursuant to clause 3.2 or 3.7 of the Agreement, the Applicant shall intimate to the Commission within 15 days of such decision;v. In case of appointment of designee pursuant to clause 9.12 of the "Agreement", the Applicant shall intimate to the Commission within 15 days of such decision;vi. The Applicant will inform the Commission within 15 days of change, if any made to the trademarks of the products covered under the "Agreement";vii. The Applicant shall inform the Commission within 15 days in case of any change(s) in the regulatory regime of products covered under the "Agreement";viii. In case of termination pursuant to clause 24 of the "Agreement", the same will be communicated to the Commission within 15 days of such termination;ix. It is the responsibility of the Applicant to ensure that necessary regulatory approvals exist for the manufacturing, distribution and marketing of the "products" covered under the "Agreement";x. The Applicant shall immediately intimate the Commission in case of any amendment(s) made to the "Agreement";xi. For renewal of this Exemption (if required), it will be the prime responsibility of the Applicant to seek extension as per Competition Commission (Extension in Exemption) Rules, 2007 at least three (3) months prior to the expiry of this exemption;xii. It is the responsibility of the applicant to ensure that the other party is aware of the exemption being sought from the Commission;xiii. The Commission reserves the right to seek actual progress and data on financial and non-financial information provided in support of this exemption including the consumers' benefit envisaged and submitted by the Applicant;



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	<p>xiv. The Commission reserves the right to review and revise the conditions of this Exemption, as deemed necessary;</p> <p>xv. This Exemption is effective only for the territory of Pakistan;</p> <p>xvi. Breach of terms of this exemption, will result in immediate cancelation of the exemption being granted.</p>
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Without prejudice to the generality of Section 6 of the Act, the grantee of the exemption shall inform the Commission forthwith and seek clearance for continuation of the exemption if there is any material change, *inter alia*, in: (i) the terms of the Agreement; (ii) the market share of the products covered under the Agreement; or (iii) the circumstances in the relevant market in which the parties are operating.

Granted on this the 7th day of June 2024 at Islamabad.

Seal of the Commission

Shahzad Hussain
Registrar
Competition Commission of Pakistan
Government of Pakistan
Islamabad