



File No: 2(246)/AGR/EXM/CCP/2020
COMPETITION COMMISSION OF PAKISTAN
GOVERNMENT OF PAKISTAN

7th Floor, ISE Towers,
55 – B, Jinnah Avenue,
Islamabad.
Tel: 92-051-9100283
Fax: 92-051-9100297

EXEMPTION CERTIFICATE

In pursuance of the powers conferred by Section 5 read with Section 9 of the Competition Act, 2010 (the Act), the Competition Commission of Pakistan (the Commission) hereby grants exemption from the application of Section 4 of the Act, details whereof are given here below:-

DETAILS OF THE AGREEMENT

First Party: M/s. Port Qasim Authority (hereinafter referred to as 'PQA')
Business address: Port Muhammad Bin Qasim, Phitti Creel, Karachi.

Second Party: M/s. Fauji Akbar Portia Marine Terminal Limited (hereinafter referred to as 'Concessionaire/FAP')
Business address: Port Muhammad Bin Qasim, Karachi.

Type of agreement: Implementation Agreement (IA)

Date entered into: September 3rd 2007

Validity Period: For a period of Thirty (30) years

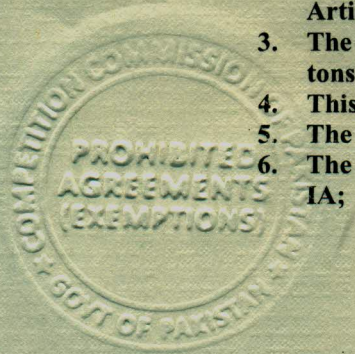
DETAILS OF THE EXEMPTION

Exemption granted to: Exclusivity clause(s) of the Agreement

Granted until: 30-10-2025

Condition(s):

1. By virtue of exclusivity/exemption granted here under, the concessionaire/FAP shall not engage directly or indirectly in any abusive practice (s) and/or conduct(s), prohibited under Section 3 of the Competition Act, 2010, including but not limited to:
 - i. imposing unfair trading conditions;
 - ii. applying dissimilar conditions to equivalent transactions or placing other parties at a competitive disadvantage;
 - iii. making services conditional on other services through bundling and tie ins; and
 - iv. practicing exclusionary conduct, boycotting or refusing to deal
2. The grant of Exemption is on the premise of parties making full and complete disclosure and is only limited to a dedicated grain and fertilizer terminal at PQA as defined under Article – 1 of the definition clause of 'Cargo' of the IA;
3. The applicant shall intimate to the Commission once the settled throughput of 3.8 Million tons per annum of preceding three (3) consecutive years, is achieved;
4. This exemption is effective only for the territory of Pakistan;
5. The Applicant shall provide copy(s) of any other agreement(s) executed, apart from IA;
6. The Applicant shall intimate to the Commission in case of any amendment(s) made to the IA;





**COMPETITION COMMISSION OF PAKISTAN
GOVERNMENT OF PAKISTAN**

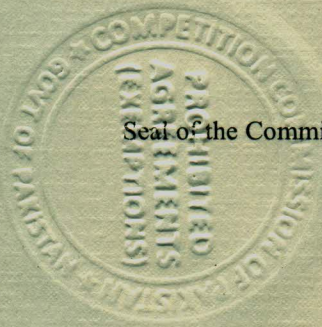
7. The Commission reserves the right to impose any other additional condition(s); in the event of any material change of facts and circumstances and the onus of intimating any or all such change(s) shall be on the Concessionaire/FAP; and
8. Breach of a condition shall have the effect of cancellation of the exemption.

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 parties to the agreement; or (iii) the circumstances in the market in which the parties are operating.

Granted on this the 06th day of November 2020 at Islamabad.



Registrar
Syed Umair Javed
Registrar
Competition Commission of Pakistan
Government of Pakistan
Islamabad



Seal of the Commission

Original Issued
Vide No. 23-Original
Dated: 09-11-2020