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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

COMPETITION COMMISSION OF PAKISTAN

NOTIFICATION

Islamabad, the 23rd May, 2014

S. R. O. 406 (I)/2014.—In exercise of the powers conferred under Section 58 of the Competition Act, 2010 (the ‘Act’), the Competition Commission of Pakistan (the ‘Commission’) is pleased to make the following regulations, namely:—

COMPETITION (REWARD PAYMENT TO INFORMANT)
REGULATIONS, 2014

1. **Short title and commencement.**—(1) These regulations may be called the Competition (Reward Payment to Informants) Regulations, 2014.
- (2) These regulations shall come into force at once.
- (3) These regulations shall apply to persons who furnish information regarding contravention or a possible contravention of section 4 of the Act, except for the employees of the Commission and their dependents thereof.

(1151)

2. **Definitions.**—(1) In these regulations, unless there is anything repugnant in the subject or context:

- (a) “Act” means the Competition Act, 2010.
- (b) “Commission” means the Competition Commission of Pakistan established under the Act.
- (c) “Informant” means and includes any person providing the Commission with the information regarding the prohibited activity.
- (d) “Information” means and includes material information about the involvement of undertaking in a prohibited activity, which is known by the undertaking’s board of Directors, Management, and/or Employees but not by the public and *inter alia* includes:
 - (i) Minutes of meetings;
 - (ii) Emails and fax transmissions exchanges between the Cartel members and the concerned directors/employees of the Undertaking;
 - (iii) Voice/video recordings of the meetings held.
- (e) “Prohibited Activity” means any of the activities which are prohibited under section 4 of the Act.

(2) The words and expressions used in these regulations, and not defined herein, shall have the meanings respectively assigned to them in the Act or the rules and regulations prescribed under the Act.

3. **Quantum of Reward.**—The Commission may grant reward ranging from Rs. 200,000/- (Rupees Two Hundred Thousand Only) to Rs. 2,000,000/- (Rupees Two Million Only), to Informant furnishing the information of the prohibited activity and fulfilling all other requirements under these regulations.

4. **Approaching the Commission.**—(1) The Informant may make initial contact with the Commission either *via* phone or otherwise, but without necessarily disclosing of his/her name, if the Informant is hesitant to reveal his/her identity at the very start.

(2) After initial contact, an officer, not less than the rank of Director, shall be designated by the Chairman to liaise with the Informant.

(3) The officers designated to deal with the Informant shall ensure that any information provided is carefully safeguarded and handled.

(4) Upon initial assessment of the information provided by the Informant, if the liaison officer finds that the information is likely to assist the Commission, a meeting with the Informant shall be arranged by the liaison officer to seek further details.

(5) The Informant shall remain available and continuously cooperate with the Commission unless the Commission issues the Order.

(6) It shall be within the discretion of the Commission not to accept the intended information provided by the Informant, and it shall also be within the discretion of the Commission to grant the financial reward claim, based on the veracity and usefulness of the information supplied under these regulations.

5. **Calculation of Reward.**—(1) The reward payable under these regulations shall be calculated by the Commission, while taking into account any or all of the following:

- (i) Accuracy, usefulness and effectiveness of the information provided under these regulations;
- (ii) Efforts made by the Informant and the nature of cooperation extended by the Informant;
- (iii) The seriousness of the prohibited activity.

(2) The determination of the Commission regarding the quantum of the reward under these regulations shall be final.

6. **Payment of Reward.**—(1) The payment of reward shall be made in the following two stages:

- (i) initial payment may be made within thirty (30) days of receipt of complete information and subject to the regulations (5) above after assessing generally the value/materiality of information given; and
- (ii) The final/remaining payment may be made within sixty (60) days of conclusion of enquiry and issuance of Show Cause Notice.

(2) In the event, the Commission comes to a conclusion that the information provided is false, fabricated or inaccurate, the Commission may by order direct the Informant to return the amount of reward.

7. **Confidentiality.**—The Commission shall, to the extent that is consistent with its obligations to disclose or exchange information, to keep the identity of the Informants under these regulations confidential.

[No. 21/SY/CCP/RPIS/2008.]

NADIA NABI,
Secretary.