



FAIR COMPETITION COMMISSION

THE FAIR COMPETITION COMMISSION PROCEDURE RULES, 2013
Rule 50(1)

APPLICATION FOR EXEMPTION
Agreements affecting competition

Made under section 12 of the Fair Competition Act, 2003 and Rule 50(1) of the Fair Competition Commission Procedure Rules, 2013.

Application for an exemption to make an agreement of which the object, effect or likely effect of the agreement is to appreciably prevent, restrict or distort competition.
This Application shall be accompanied by filing fees prescribed in Rule 68.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

(a) Name of Applicant:

(Refer to direction 2)

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(b) Short description of business carried on by applicant:

(Refer to direction 3)

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(c) Address in Tanzania for service of documents on the applicant:

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2. Agreement

(a) Description of the agreement, whether proposed or actual, for which exemption is sought:

(Refer to direction 4)

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(b) Description of those provisions of the agreement that are, or would or might, substantially lessen competition:

(Refer to direction 4)

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(c) Description of the goods or services to which the agreement (whether proposed or actual) relate:

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(d) The term for which exemption of the agreement (whether proposed or actual) is being sought and grounds supporting this period of exemption:

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3. Parties to the proposed arrangement

(a) Names, addresses and descriptions of business carried on by other parties or proposed parties to the contract or proposed agreement:

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(b) Names, addresses and descriptions of business carried on by parties and other persons on whose behalf this application is made:

(Refer to direction 5)

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4. Public benefit claims

(a) Arguments in support of exemption:

(Refer to direction 6)

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(b) Facts and evidence relied upon in support of these claims:

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5. Market definition

Provide a description of the market i.e. the goods or services provided including a range of substitutes available for the relevant goods or services, and any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

(Refer to direction 7)

- (a) Product market.....
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- (b) Geographical market
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6. Public detriments

Detriments to the public resulting or likely to result from the exemption, in particular the likely effect of the agreement on the prices of the goods or services described at paragraph 2 (c) and the prices of goods or services in other affected markets:

(Refer to direction 8)

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7. Further information

Name and address of person authorised by the applicant to provide additional information in relation to this application:

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Dated.....

Signed by/on behalf of the applicant

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(Signature)

.....
(Full Name)

.....
(Position in Organisation)

8. For official use only:

Commission file number:

Date filed:

9. Contact

The Fair Competition Commission
P.O. Box 7883
Dar es Salaam
Tanzania
E mail: info@competition.or.tz

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing the application for exemption.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. Where the application is made by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the application, and the application is to be signed by a person authorised by the corporation to do so.

3. Describe that part of the applicant's business relating to the subject matter of the agreement in respect of which the application is made.

4. Provide details of the agreement (whether proposed or actual) in respect of which the exemption is sought. Provide details of those provisions of the agreement that are, or would or might, substantially lessen competition.

In providing these details:

(a) to the extent that any of the details have been reduced to writing — provide a true copy of the writing; and

(b) to the extent that any of the details have not been reduced to writing — provide a full and correct description of the particulars that have not been reduced to writing.

5. Where exemption is sought on behalf of other parties provide details of each of those parties including names, addresses, and descriptions of the business activities engaged in relating to the subject matter of the exemption, and evidence of the party's consent to exemption being sought on their behalf.

6. Provide details of those public benefits claimed to result or to be likely to result from the proposed agreements including quantification of those benefits where possible.

7. Provide details of the market(s) likely to be effected by the agreement, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the exemption.

8. Provide details of the detriments to the public which may result from the proposed agreement including quantification of those detriments where possible.

9. Where the application is made also in respect of other agreements, which are or will be in similar terms to the agreement referred to in item 2, furnish with the application details of the manner in which those agreements vary in their terms from the agreements referred to in item 2.