

PROPOSED CHANGES TO THE CCS GUIDELINES ON FILING NOTIFICATIONS FOR GUIDANCE OR DECISION WITH RESPECT TO THE SECTION 34 PROHIBITION AND SECTION 47 PROHIBITION

Overview of main changes

Apart from a textual redraft, the main changes reflected in the draft revised CCS Guidelines on Filing Notifications for Guidance or Decision with respect to the Section 34 Prohibition and Section 47 Prohibition (“Notification Guidelines”) are:

- i. The revised Form 1 Part 2 and Form 2 Part 2 simplify the notification process under Form 1 and require more substantial information to be provided under Form 2 where circumstances of the notification necessitate the filing of Form 2;
- ii. The revised Form 1 Part 2 requires brief information on market definition and market shares;
- iii. The revised Form 2 Part 2 requires the provision of information necessary for an effects analysis, including whether an agreement would bring about a net economic benefit; and
- iv. The revised Notification Guidelines, Forms 1 and 2 clarify that where information has been submitted but which is deemed by the Commission to be more than that required in Form 1, CCS may require such information to be submitted with Form 2, together with any supporting documentation and payment of further fees in accordance with Regulation 9 of the Competition (Notification) Regulations 2007.

The proposed changes in the main text of the draft revised guidelines are marked out in blue. However, as the proposed changes to Forms 1 and 2 are significant, to facilitate ease of reading, the changes have not been marked out but are set out in detail in the respective tables following each draft revised Form.

[Draft CCS Guidelines on Filing Notifications for Guidance or Decision with Respect to the Section 34 Prohibition and the Section 47 Prohibition](#)

[Draft Form 1](#)

[Draft Form 2](#)

Questions for Reflection and Consultation

In addition to inviting any comments on the current Notification Guidelines and the proposed changes in the revised Notification Guidelines, specific questions for consultees are set out below:

1. What are your views on the information requirements in the revised Forms 1 and 2? Please provide details if you consider that some

information requested for in Form 1 and/or Form 2 may not be relevant.

2. Are there any areas where you think CCS should provide further clarification or consider additional changes?