

FORM MBEO

PART 1

INTRODUCTION

This Form lists the information and supporting documents (where relevant) which must be provided to the Competition and Consumer Commission of Singapore (“CCCS”) when parties file their liner shipping agreements under paragraph 5(2)(b) (“filing”), or notify the details of any variations or amendments to the particulars under paragraph 5(2)(e) (“notification”) of the Competition (Block Exemption for Liner Shipping Agreements) Order (“Block Exemption Order”).

Please note that the Block Exemption Order applies only to liner shipping agreements (“Agreements”). An Agreement is defined as an agreement between two or more vessel-operating carriers which provide liner shipping services pursuant to which the parties agree to co-operate in the provision of liner shipping services in respect of one or more of the following:

- (a) technical, operational or commercial arrangements;
- (b) price; or
- (c) remuneration terms.

‘Liner shipping services’ means the transport of goods on a regular basis on any particular route between ports and in accordance with timetables and sailing dates advertised in advance and made available, even on an occasional basis, by a liner operator to any transport user against payment; and includes any inland carriage of goods occurring as part of through transport.

CCCS’s acceptance of a filing or a notification does not mean or imply that the provisions of the Block Exemption Order are satisfied and that an Agreement is exempt from the section 34 prohibition. It is for the parties to the Agreement to ensure that they comply with the provisions of the Block Exemption Order. The attention of parties who wish to claim the benefit of the block exemption is hereby drawn to paragraph 5(4) of the Block Exemption Order, pursuant to which such parties are required, upon notice by CCCS, to demonstrate that the provisions of the Block Exemption Order are satisfied.

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PART 2

STANDARD FILING AND NOTIFICATION PROCEDURES

Please submit the following when complying with the filing and notification requirements under the Block Exemption Order:

- a certified true copy of the written Agreement and any variation or amendment thereto, and any other relevant documents (where applicable) or such other document(s) requested by CCCS (as the case may be);
- where the Agreement or any variation or amendment thereto, and any other relevant document (where applicable) or such other document(s) requested by CCCS (as the case may be) is in a language other than the English language, a duly-certified translation of the document into the English language;
- where the Agreement or variation or amendment thereto or any part of such Agreement, variation or amendment, and any other relevant document (where applicable) or such other document(s) requested by CCCS (as the case may be) is not in writing, a memorandum providing a full description of the details of the same; and
- a soft copy of the Agreement (including any variation or amendment), any other relevant document (where applicable) or such other document(s) requested by CCCS, translation and/or memorandum (as the case may be) in PDF format and stored on a CD-ROM.

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PART 3

INFORMATION TO BE PROVIDED FOR FILING RELATING TO PARAGRAPH 5(2)(b) OF THE BLOCK EXEMPTION ORDER

1. Filing Party

- 1.1 Please provide the full name, address (registered office address, where appropriate, and principal place of business, if different), telephone and fax numbers and e-mail address (where available) of the undertaking(s) filing the Agreement.
- 1.2 Please provide the full name, address (registered office address, where appropriate, and principal place of business, if different), telephone and fax numbers and e-mail address (where available) of the contact person for each individual liner that is a party to the Agreement.

2. Details of the Agreement

- 2.1 Please provide the following details:
 - (a) Name of the Agreement;
 - (b) Parties to the Agreement;
 - (c) Trade area covered by the Agreement;
 - (d) Date of the Agreement;
 - (e) Date of commencement of the Agreement;
 - (f) Duration of the Agreement;
 - (g) Particulars of variations or amendments to the Agreement (where applicable);
 - (h) Reasons for the variations or amendments to the Agreement (where applicable);
 - (i) List of the other jurisdictions in which the Agreement has been filed (where applicable); and
 - (j) List of the other jurisdictions in which the variations or amendments to the Agreement have been filed (where applicable).

3. Satisfying the Provisions of the Block Exemption Order

- 3.1 Please specify the operative clauses in the Agreement showing how the conditions in paragraph 5(1) of the Block Exemption Order have been satisfied.
- 3.2 Please provide the address from which transport users are able or going to be able to obtain information concerning any tariff, the structure and service level of the liner shipping services under the Agreement relevant to the market. Alternatively, please provide the weblink at which such information may be found.

4. Filing Procedures and Timeframes

- 4.1 Where the Agreement and any variation or amendment thereto is in effect on or before 31 August 2006, such Agreement and variation or amendment thereto must be filed with CCCS by 14 August 2006.
- 4.2 Where the Agreement takes effect after 31 August 2006, such Agreement must be filed with CCCS at least 14 days prior to the Agreement taking effect.
- 4.3 Where the Agreement (and any variation or amendment thereto) has been filed with CCCS previously and there is a subsequent variation or amendment thereto, such variation or amendment together with the Agreement and all preceding variations or amendments must be filed with CCCS at least 14 days prior to the variation or amendment taking effect.
- 4.4 Where the parties seek to satisfy paragraph 5(2)(b) of the Block Exemption Order upon the expiry of the grace period referred to in paragraph 6(1) or (2) of the Block Exemption Order, the Agreement and any variation or amendment thereto must be filed with CCCS at least 14 days prior to the expiry of the grace period.
- 4.5 All variations or amendments filed with CCCS should be accompanied by reasons for the variation(s) or amendment(s). CCCS reserves the right to request that the parties make available, in such mode and manner and within such period of time as may be specified by CCCS, documents and details relating to the variation(s) or amendment(s).
- 4.6 CCCS will only accept the filing of such Agreements, or variations or amendments thereto, that are finalised and, if in writing, signed by all parties to the Agreement.

5. Compliance with the specified time periods

- 5.1 Please specify whether the Agreement and/or any variation or amendment thereto is filed in strict compliance with the respective time periods specified by CCCS in paragraph 4 above.

5.2 Please state the reason(s) why the filing is made out of time and not in strict compliance with the respective time periods specified by CCCS in paragraph 4 above (if applicable).

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PART 4

INFORMATION TO BE PROVIDED FOR NOTIFICATION UNDER PARAGRAPH 5(2)(e)(i) OF THE BLOCK EXEMPTION ORDER

6. Filing Party

- 6.1 Please provide the full name, address (registered office address, where appropriate, and principal place of business, if different), telephone and fax numbers and e-mail address (where available) of the undertaking(s) filing the Agreement.
- 6.2 Please provide the full name, address (registered office address, where appropriate, and principal place of business, if different), telephone and fax numbers and e-mail address (where available) of the contact person for each individual liner that is a party to the Agreement.

7. Details of the Agreement

- 7.1 Please provide the following details:
- (a) Name of the Agreement;
 - (b) Parties to the Agreement; and
 - (c) Trade area covered by the Agreement.

8. Satisfying the Provisions of the Block Exemption Order

- 8.1 To satisfy paragraph 5(2)(e)(i) of the Block Exemption Order, please specify the details of any variation or amendment made to such documents and details relating to:
- (a) the tariff;
 - (b) the structure and service level of the liner shipping services; and
 - (c) other aspects of the liner shipping services,

under the Agreement relevant to the market, which had been provided to CCCS earlier, as the case may be. Please state the date on which the documents and

details to which the variation or amendment relates was earlier provided to CCCS upon CCCS's request.

9. Notification Timeframe

- 9.1 Notifications of any variation or amendment under paragraph 5(2)(e)(i) of the Block Exemption Order must be made not less than 14 days prior to such variation or amendment taking effect.

10. Notification that does not comply with CCCS's specified time periods

- 10.1 Please specify whether the variation or amendment is notified in strict compliance with the time period specified by CCCS in paragraph 9.1 above.
- 10.2 Please state the reason(s) why the notification is made out of time and not in strict compliance with the time period specified by CCCS in paragraph 9.1 above (if applicable).

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PART 5

DECLARATION

Under section 77 read with section 83 of the Competition Act (Cap. 50B) (the “Act”), it is an offence, punishable by a fine or imprisonment, or both, to provide information which is false or misleading in a material particular if the undertaking or person providing it knows that it is false or misleading, or is reckless as to whether it is. If the undertaking or person is a body corporate, its officers may be guilty of an offence under section 81 of the Act.

Declaration

The undersigned declare and confirm that all information given in connection with the Form MBEO and all pages annexed hereto are correct to the best of their knowledge and belief, and that all estimates are identified as such and are their best estimates based on the underlying facts.

Signature(s)

Name(s) (in block capitals):

Designation(s):

Date:

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PART 6

ACKNOWLEDGEMENT OF RECEIPT

This acknowledgement of receipt will be returned to the address inserted below if the Filing Party(s) provides the information requested below.

To be completed by the Filing Party(s)

To: (name and address of Filing Party(s))

Re: Filing of (name of the Agreement) involving the following undertakings: (names of parties to the Agreement) dated (date of filing)

To be completed by CCCS

Received on:

Registered under reference number:

Please quote this reference number in all correspondence with CCCS.