

Government Notice No. 53 of 2026

THE COMPETITION ACT

Regulations made by the Minister under section 72 of the Competition Act

1. Short title

These regulations may be cited as the Competition Commission (Trade Association and Cooperatives Amnesty Programme) Regulations 2026.

2. Interpretation

In these regulations –

“Act” means the Competition Act;

“applicant” means a trade association, cooperative or professional body which makes an application for TACAP under these regulations;

“amnesty” means the granting of immunity in respect of a reported conduct;

“authorised representative” means any current office bearer of the applicant duly authorised in writing by the applicant to act on its behalf for purpose of TACAP;

“cooperative” means an enterprise or a group of enterprises structured as a cooperative and recognised under the Cooperatives Act;

“designated contact” means the individual specified as such in an application to liaise with the Commission in all aspects relating to the application;

“TACAP” means the Trade Association and Cooperatives Amnesty Programme referred to in regulation 3(1);

“professional body” means an organisation whose purpose is to bring together and represent enterprises from the same profession;

“reported conduct” means any restrictive business practice, whether or not implemented, falling within section 41 or 42 of the Act as disclosed by an applicant in its application form for purposes of TACAP;

“trade association” means an association of enterprises representing common trade, business or industry interests;

“validity period” means the period, as defined in these regulations, during which applications for amnesty may be submitted to the Commission in accordance with these regulations.

3. Trade Association and Cooperatives Amnesty Programme

(1) There shall be, for the purpose of these regulations, a one-off, temporary amnesty programme referred to as TACAP.

(2) TACAP shall be administered by the Commission in accordance with these regulations.

(3) Subject to paragraph (4), TACAP shall be valid for a period of 6 months starting from 25 May 2026 and ending on 25 November 2026.

(4) The Commission may, by notice in the Gazette, extend the validity period of TACAP for a period not exceeding 3 months.

(5) The Commission may publish such guidance and template documents as it considers necessary for the purposes of these regulations.

4. Eligibility criteria for TACAP

(1) Subject to paragraph (2), an applicant shall be eligible to apply for amnesty under TACAP where it is a trade association, cooperative or professional body duly constituted before the start date of TACAP's validity period.

(2) The following shall not be eligible to apply for amnesty under TACAP –

- (a) a group of members who are not, at the time of application, office bearers of the applicant's steering committee, managing committee or executive committee; and
- (b) a group of members having engaged or attempted to engage in restrictive business practice without the involvement or knowledge of the trade association, cooperative or professional body to which they belong.

5. TACAP application process

(1) An application shall be filed with the Commission either –

- (a) through the authorised representative of the applicant; or
- (b) through the legal representative of the applicant.

(2) For the purpose of paragraph (1), an application shall be submitted by electronic mail to the relevant address mentioned on the Commission's website.

6. Procedural conditions of TACAP

(1) The following conditions shall be satisfied for an application to be considered valid –

- (a) the application shall be made in such form as the Commission may approve, duly completed and accompanied by all supporting information;
 - (b) the application shall be signed by 2 authorised representatives of the applicant;
 - (c) the application shall include the expressed and unconditional consent of each of the applicant's current and past members intending to benefit from amnesty under TACAP with regard to adherence to the conditions of TACAP, the contents of the application submitted, and all information submitted in support of the application;
 - (d) the applicant shall satisfactorily demonstrate to the Commission that it has taken all reasonable steps to give sufficient advance notice to all members, including past members, of its intention and decision to apply for amnesty under TACAP prior to submitting its application; and
 - (e) the application shall be submitted to, and received by, the Executive Director during TACAP's validity period.
- (2) For the purpose of paragraph (1)(c) –
- (a) any current or past member who has failed to signify his unconditional consent, in writing, in the application submitted by the applicant shall not be eligible to qualify for TACAP;
 - (b) the application submitted without consenting members, current or past, effectively signifying their unconditional consent on the application form and

making the required declarations therein shall be invalid.

(3) The Executive Director may deem an application to be incomplete where –

- (a) the details required in the application form have been omitted;
- (b) the documents, records or evidence necessary to support the disclosures made in the application form are insufficient or have been omitted.

(4) Subject to paragraph (6), an applicant shall be given the opportunity to complete its application by submitting all missing or additional information, as required by the Executive Director, within TACAP's validity period.

(5) The applicant shall ensure that all additional information submitted to the Executive Director for the purpose of completing its application has been duly received by the Executive Director within TACAP's validity period.

(6) An applicant carries at all times the burden of establishing that it has completed its application in accordance with the regulations.

7. Substantive conditions of TACAP

(1) An applicant shall comply with the following conditions to qualify for amnesty under TACAP –

- (a) the applicant shall provide the Commission with all information, documents and evidence available to it regarding the reported conduct;
- (b) the applicant and its consenting members, current or past, shall maintain continuous and complete

cooperation from the time of submission of their application until the conclusion of any action by the Commission in relation to the matter;

- (c) the application shall contain a clear and an unequivocal statement on the part of the applicant and its consenting members, current or past, confirming their involvement in the reported conduct, notwithstanding that such involvement may have been negligent on their part;
- (d) the applicant shall propose undertakings in accordance with section 63 of the Act to ensure that the applicant and its consenting members cease participation in the reported conduct and to ensure compliance with the Act going forward; and
- (e) the applicant and its consenting members shall forthwith, upon application made to the Commission, refrain from further participation in the reported conduct.

(2) The Commission may refuse amnesty where any of the conditions required under paragraph (1) are breached.

8. Assessment of applications under TACAP

(1) The Executive Director shall, within 5 working days of receiving an application, acknowledge receipt of the application in writing to the designated contact.

(2) For applications received outside of the validity period or not completed within the validity period, the Executive Director shall, within 5 working days of receiving the application –

- (a) inform the designated contact of the invalidity of the application; and

- (b) not proceed further with the application and return, as soon as practicable, all records submitted in connection with the application to the applicant.

(3) Upon receipt of a valid and complete application, the Executive Director shall open an investigation on the basis of information submitted to –

- (a) assess whether the application falls within the ambit of TACAP;
- (b) assess whether the undertakings proposed by the applicant satisfy regulation 7(1)(d);
- (c) produce his findings and recommendations on the application, including on the undertakings proposed by the applicant.

(4) The Executive Director shall, as far as practicable, complete his investigation under paragraph (3) within one month from the date an application is received.

(5) Upon completion of his investigation, the Executive Director shall produce a preliminary TACAP report setting out his preliminary findings and his recommendations on the application, which shall be notified to the applicant through its designated contact.

(6) The applicant shall, within 21 working days from the date of notice of the Executive Director's preliminary findings and recommendations, submit its comments, in writing, to the Executive Director on the matter.

(7) On receipt of the comments under paragraph (6), the Executive Director shall proceed to make the report final and submit it to the Commission with his recommendations.

(8) Upon receipt of a final TACAP report under paragraph (7), the Commission shall, on the basis of the report before it, decide on the outcome of the application, including –

- (a) whether the application falls within the ambit of TACAP;
- (b) whether to grant amnesty to the applicant and its consenting members;
- (c) whether the undertakings proposed by the applicant satisfy the regulation 7(1)(d).

(9) In deciding on the outcome of the application, the Commission may –

- (a) grant amnesty and impose as directions the undertakings proposed by the applicant as part of its application;
- (b) grant amnesty and impose directions in addition to or other than the undertakings proposed by an applicant as part of its application; or
- (c) refuse to grant amnesty together with the reasons for such decision.

(10) Where the Commission intends to impose directions in addition to or other than the undertakings proposed by an applicant as part of its application, the Commission shall notify, in writing, the applicant –

- (a) of its intention to impose additional or alternative directions;
- (b) of the terms of the intended directions; and
- (c) invite the applicant to submit its written representations on the intended directions not later than 14 working days from the date of notice.

(11) Upon receipt of a notice under paragraph (9), the applicant may, not later than 14 working days from the date of notice, propose revised undertakings in line with the terms of intended directions notified to it.

(12) The Commission shall, having regard to any written representation made pursuant to paragraphs (10) and (11), issue its final decision on the outcome of the application and impose directions on the applicant and consenting members in accordance with the Act.

(13) Where an applicant is dissatisfied with a direction of the Commission, he may appeal to the Supreme Court against the direction in accordance with section 67 of the Act.

9. Effect of TACAP

Where the Commission grants amnesty under these regulations, the applicant shall –

- (a) not be subject to any financial penalty under the Act in respect of the reported conduct;
- (b) be bound to implement the directions imposed by the Commission in accordance with its final decision issued under regulation 8(12).

10. Confidentiality and permitted disclosures

(1) Subject to section 71 of the Act and procedural rules made thereunder relating to information disclosure, the Commission shall protect confidential business information submitted by an applicant, provided such information –

- (a) is subject to a confidentiality claim, made in writing, by the applicant; and
- (b) has been granted confidential treatment by the Commission.

- (2) Notwithstanding paragraph (1), the Commission –
- (a) shall make public its decisions on the outcome of applications before it, subject to any redaction of confidential business information that it deems necessary;
 - (b) may issue media releases containing general information about TACAP, applications received pursuant to these regulations, and the outcome of TACAP.

(3) For the purpose of this regulation, confidential business information means business secrets and strategic commercial information as identified by an applicant in its application and supported by cogent reasons.

11. General provisions

(1) Nothing in these regulations shall prevent any trade association, cooperative or professional body that is either –

- (a) subject to an investigation at the level of the Executive Director; or
- (b) subject to proceedings before the Commission pursuant to its process of determination under section 5 of the Act,

to apply for amnesty under TACAP under these regulations, provided that the Commission has not issued a decision on the matter.

(2) Any ongoing investigation by the Executive Director or proceedings before the Commission pursuant to section 5 of the Act shall be put on hold where a trade association, professional body or cooperative that is subject to investigation by the Executive Director or to proceedings before the Commission applies for TACAP, unless –

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- (a) the application is withdrawn by the applicant;
 - (b) the application is declared invalid by the Executive Director;
 - (c) the Commission refuses to grant amnesty to the trade association, professional body or cooperative, as the case may be.

(3) Where a trade association, professional body or cooperative that is subject to investigation by the Executive Director or to proceedings before the Commission applies for TACAP under these regulations, it shall comply with these regulations.

(4) These regulations shall not limit any power of the Commission under the Act to investigate or take enforcement action in respect of any enterprise that may have been involved in a reported conduct, but which has not applied for or benefitted from an amnesty under TACAP.

(5) The expiration of TACAP shall not affect the validity of any amnesty decision lawfully made during its operation.

(6) Any matter not provided for in these regulations relating to the administration and operationalisation of TACAP may be determined by the Commission.

12. Offences

Any person who, for the purposes of these regulations, gives information which he knows is false or misleading in any material particular, or recklessly gives information which is false or misleading in any material particular, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 2 years.

13. Commencement

These regulations shall come into operation on 25 May 2026.

Made by the Minister on 6 May 2026.
