



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

“बिटा बिल्डिंग”, 9 वी मंजिल / “BETA BUILDING”, 9th FLOOR

आय-थिंक टेक्नो कैम्पस / I-THINK TECHNO CAMPUS

कांजुर गाँव रोड / KANJUR VILLAGE ROAD

कांजुर मार्ग (ईस्ट) / KANJUR MARG(EAST)

मुंबई - 400 042 / MUMBAI - 400 042

टेलीफोन: 022-25752040/1/2/3

फैक्स: 022 - 25752029 / 35

ई-मेल: dgship-dgs@nic.in

वेब: www.dgshipping.gov.in

Tele: 022-25752040/1/2/3

Fax: 022 - 25752029 / 35

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Merchant Shipping Notice No. 06 of 2014.

F. No. SL-JSA-4(16)/2010

Dated: 09.05.14

Whereas the Ministry of Corporate Affairs, Government of India, vide its Notification S.O. 3641 (E) dated 11.12.13, published in the Gazette of India - Extraordinary, has exempted the vessel sharing agreements [VSAs] of the liner shipping industry from the provisions of section 3 of the Competition Act, 2002;

Whereas the aforesaid exemption is for a period of one year from the date of the publication of the said notification, which shall be reckoned from 11.12.13 to 10.12.14;

Whereas the said exemption is in respect of the carriers of all nationalities operating merchant ships of any nationality from any Indian port;

Whereas during the said period of one year, the Director General of Shipping, Ministry of Shipping, Government of India, is required to monitor such agreements [VSAs];

Whereas for the purpose of monitoring such agreements, the persons (s) responsible for the operations of such ships in India have been mandated to file in the office of the Director General of Shipping, Govt. of India, Mumbai, the copies of the existing VSAs and / or VSAs to be entered into by them which would apply to such operations during the said applicable period, along with the other relevant documents, within thirty days of the publication of the said notification or within ten days of the signing of such agreements (s), whichever is later and;

Whereas on the completion of the said exemption period of one year, the Director General of Shipping, Govt. of India, shall carry out a joint review of such agreements with the Competition Commission of India [CCI], with a view to examine whether these agreements have caused /are causing any appreciable adverse effect on competition;

Whereas the Director General of Shipping, Govt. of India is empowered to issue directions under section 411 of the Merchant Shipping Act, 1958, in public interest, or in the interests of Indian shipping, in relation to ships present in the Indian waters, inter-alia.

Now, therefore, the Director General of Shipping, Govt. of India, in order to put in place a system for receiving the aforesaid VSAs & to monitor the same, does hereby prescribe the following procedures to be followed by all the persons/ entities concerned, in this context;

1. The Indian Register of Shipping [IRS], a Recognised Organisation [RO] / Classification Society is hereby nominated to carry out the following functions, for and on behalf of the Director General of Shipping, Govt. of India, in this regard;

- 1.1. Receive copies of the Vessels Sharing Agreements (VSAs) and all allied documents/ information related to the same.
- 1.2. Scan the VSAs and maintain an electronic & structured master database thereof pertaining to all such VSAs.
- 1.3. Prepare monthly reports thereon in the form and manner prescribed by the Director General of Shipping, Govt. of India.
- 1.4. Provide all necessary information to the Director General of Shipping, Govt. of India in relation to the complaints that may be received, in this respect.
- 1.5. All the VSAs & related information/documents filed, till date, with the Director General of Shipping, Govt. of India, need not be filed with the IRS, once again. These records already available in this office so far, will be forwarded to the IRS, for this purpose.

2. The shipping companies/agents/operators who are responsible for operating liner services in India by way of vessels sharing agreements [VSAs] are required to comply with the following measures, inter-alia., [in order to meet the objectives of the said notification];

2.1. File the VSAs, in duplicate, with effect from the date of the issue of this notice, with the Indian Register of Shipping [IRS], within a period of 10(ten) days from the date of the signing of any VSA(s) that the shipping company/entity may enter into, including any amendment(s) thereto. The address for communication with the IRS, for the purpose, is as given below;

Indian Register of Shipping
[Attn.: Chief Operating Officer [Commercial]]
52, Adi Shankaracharya Marg,
Opposite Powai Lake, Powai,
Mumbai-400 072.

[E-Mail: vsa@irclass.org]

2.2. Each shipping company/entity which is a part of a VSA shall, along with the filing of the VSA concerned, provide, through its Indian agent [incorporated under the Indian law(s)] a formal undertaking-cum- self-declaration, in the format as per the enclosed **Annexure - I** [2 pages], duly signed by the Managing Director of each such Indian agency company/ entity, representing the VSA, certifying that the operations under the filed VSA concerned, has not caused/ is not causing/ is not likely to cause any appreciable adverse effect on competition.

2.3. Each such member shipping line shall provide the details of the line-wise loading and discharging of cargo undertaken by them at each terminal that they operate in India, including the respective ports, as destination/origin point(s). This information required to be furnished on a monthly mode, for the preceding month, shall be provided within a fortnight of the following month.

2.4. File, in duplicate, within a period of 10(ten) days from the date of signing, copies of all/ any marine terminal operating agreement(s) entered into with the terminals that the shipping company/ entity operates at.

2.5. File, in duplicate, copies of the existing slot charter arrangements that they may have been entered with any other Indian shipping company/ entity.

2.6. The Indian Register of Shipping may charge an appropriate and reasonable fee for the said services rendered by it, in this regard.

3. Grievance redressal mechanism:

3.1. Any aggrieved party making an allegation that the VSA filed, under this Notification, with the Director General of Shipping, Govt. of India has caused, or is causing or is likely to cause any appreciable adverse effect on competition, may file a clear & detailed complaint, with due justification & backup documentation, in writing duly signed by the aggrieved person, to the Director General of Shipping, Govt. of India, at the following office address. Such a complaint should also be filed in an electronic form and be mailed at the following e-addresses;

3.1.1. Directorate General of Shipping,
Beta Building, 9th Floor,
I-Think Techno Campus,
Kanjur Marg (East), Mumbai- 400 042.

Tel: 022- 25752040/1/2/3, Fax: 022- 2575 2029/35

3.1.2. E-mail, IDs [Official]:

3.1.2.1. amohd-dgs@nic.in

3.1.2.2. sgb-dgs@nic.in

4. This order may be reviewed from time to time & will be valid till 10.12.14.
5. This issues with the approval of the Director General of Shipping & ex-officio Additional Secretary to the Govt. of India.


[S.G. Bhandare]

Deputy Director General of Shipping

To;

1. The Secretary to the Govt. of India, Ministry of Shipping-for Kind information.
2. Shri Anil Kumar, Director, Ministry of Corporate Affairs, GOI.
3. Indian Register of Shipping, Mumbai.
4. Container Shipping Lines Association (India).
5. INSA / ICCSA/ FOSMA / MASSA / MANSAA
6. Hindi Section DGS, GoI, for the issue of the Hindi version of this Notice.
7. Computer Section, DGS, GoI, for uploading this Notice on the official DGS website, for the information of all the shipping sector stakeholders concerned.

Annexure-I

Undertaking-cum-self declaration on the letter head of the company/entity in terms of the Merchant Shipping Notice No 06 of 2014 [F. No. SL-JSA-4(16)/2010] dated .05.14, issued by the Directorate General of Shipping, Govt. of India, while filing of vessel sharing agreements [VSAs].

I s/o Shri, in my capacity as the Managing Director of M/s, a company incorporated in India with registration no. [insert the registration number of the company], which is representing as the agency in India of the contracting party i.e. [name of the principal] to the vessel sharing agreements[VSA] entered into on,for the shipping service....., hereby undertake & declare, on behalf of its said principal, that the VSA entered into between the following parties;

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

or more

has not caused/ is not causing/ is not likely to cause any adverse effect on competition during the tenure of this agreement.

2. I further certify that:

2.1. The VSA enclosed herewith does not, in any manner what so ever, lead to fixing of prices, limiting production or sharing of markets (whether in writing or otherwise).

2.2. The said VSA also does not contain joint selling and purchasing provisions vis-à-vis competitors.

2.3. Our company or its employees do not share any information about prices or business plans with competitors in any manner & at no time whatsoever.

Place: _____

Signature: _____

Date: _____

Name: _____

Designation: _____

