

	<p style="text-align: center;">CIVIL AVIATION AUTHORITY OF MALAYSIA AVIATION POLICY & DEVELOPMENT DIVISION ECONOMIC & COMPETITION</p> <p style="text-align: center;">BLOCK EXEMPTION APPLICATION FORM</p>	<p style="text-align: right;">CAAM/CPD/CEC/02</p>
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Section A. General Instructions

1 Form, Application Document, and Supporting Documents

- 1.1 The Civil Aviation Authority of Malaysia (“CAAM”) prescribes this block exemption application form (“Form”) for any application for a block exemption under section 36R of the Civil Aviation Authority of Malaysia Act 2017 [Act 788] (“the Act”).
- 1.2 Section B of this Form provides a description of the information and supporting documents which must be provided by the applicant in making any application for a block exemption under section 36R of the Act.
- 1.3 The applicant must provide all required information as listed in Section B of this Form in a single document (“Application Document”).
- 1.4 The applicant must provide relevant supporting documents to substantiate the information provided or claim made in the Application Document. The supporting documents must be attached to the Application Document, and tagged and numbered systematically.
- 1.5 Section B of this Form must also be completed by the applicant to provide an index of the information provided in the Application Document and the supporting documents.
- 1.6 Any claim made by the applicant in its Application Document must be substantiated by evidence or data. Any evidence or data provided by the applicant must be accompanied by a clear explanation on the source of the evidence or data, the assumptions made, the methodology employed and the reasoning for the assumptions and methodology. Unsubstantiated claims will be rejected by CAAM.
- 1.7 In preparing the Application Document and supporting documents, the applicant is advised to refer to the Guidelines on Aviation Service Market Definition and Guidelines on Anti-Competitive Agreements. These Guidelines are available on the CAAM’s website at <https://www.caam.gov.my/industry/competition/guidelines-and-competition-forms/>.

2 Confidential Information

- 2.1 Any confidential information provided by the applicant in the Application Document must be clearly identified by the applicant and accompanied with written justifications as to why the information should be treated as confidential. The applicant is also required to provide a non-confidential version of the Application Document, with the confidential information removed and replaced by the word “[CONFIDENTIAL]”. In general, “confidential information” refers to trade, business or industrial information

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that belongs to any person, that has economic value and is not generally available to or known by others.

3 Submission of Application

- 3.1 A complete application for a block exemption consists of the following documents:
- a) Section B of this Form, which has been completed by the applicant;
 - b) Application Document, which contains all information required in Section B of this Form;
 - c) A public version of the application document for publication on the CAAM's website. Please provide a clearly marked confidential version where confidentiality is claimed for any part of the application. All confidentiality claims must be substantiated, and the public version must contain sufficient information to enable public consultation on the application; and
 - d) Supporting documents, attached to the Application Document, tagged and numbered.
- 3.2 Please submit two (2) hard copies of the application for a block exemption and one soft copy of the application to the following address:
- Chief Executive Officer
Civil Aviation Authority of Malaysia
No. 27, Persiaran Perdana, Aras 3,
Blok Podium, Presint 4
62618 Wilayah Persekutuan Putrajaya
- 3.3 The soft copy may be submitted via email to: competition@caam.gov.my. The soft copy of the application for a block exemption must be in a format which allows for the cutting and pasting of text.
- 3.4 Any additional copy of the application for a block exemption shall also be made available to the Authority upon the Authority's request.
- 3.5 The Authority may refuse to accept an application for a block exemption if it is -
- a) incomplete;
 - b) not accompanied by the relevant supporting documents;
 - c) not made in the form prescribed by CAAM; or
 - d) not made in accordance with any provision of the Act, or any applicable regulations, guidelines or application requirements determined by CAAM.

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- 3.6 CAAM will only initiate the evaluation process upon receipt of a complete application for a block exemption.
- 3.7 Any subsequent material changes to the information provided in the Application Document or the supporting documents must be notified to CAAM immediately.
- 3.8 CAAM may require additional information or supporting documents from the applicant during its assessment process.
- 3.9 Any delay by the applicant in providing any required information or supporting documents may result in the lengthening of the assessment period.

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Section B. Information Required

AN APPLICATION FOR A BLOCK EXEMPTION BY [insert the full registered name of the applicant]

Section B – Information Required

Information Required for an Application for a Block Exemption	Corresponding Page Number of the Application Document	List of Supporting Documents (where applicable)
<p>1. Applicant</p> <p>1.1 Name</p> <p><i>Provide the name of the applicant, i.e. the enterprise or the association that is applying for a block exemption.</i></p> <p><i>The application may be submitted by one or more enterprise, or the association of the enterprises. If there are more than one applicant, please refer to Section B, paragraph 1.6 below.</i></p>		
<p>1.2 Address</p> <p><i>Provide the full address of the registered office of the applicant, and the principal place of business in Malaysia, if different.</i></p>		
<p>1.3 Contact number</p> <p><i>Provide the contact number of the registered office of the applicant, and the principal place of business in Malaysia, if different.</i></p>		
<p>1.4 Company/business/association registration number</p> <p><i>Provide the registration number of the applicant, either as a body corporate, an unincorporated body, partnership or sole proprietor or any other entity.</i></p> <p><i>Attach as supporting documents a certified true copy of the certificate of incorporation, Memorandum of</i></p>		



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<p><i>Association, Article of Association, Form 58 of the Companies Act 2016 (or its equivalent), or any proof of business registration of the applicant, whichever is applicable.</i></p>		
<p>1.5 Description of business</p> <p><i>Describe the applicant’s business as a whole and the part of the applicant’s business which is relevant to the block exemption sought. If the applicant is an association, describe the association’s objectives and governance structure, and provide the constitution/governing document of the association, and the name and contact details of its members.</i></p>		
<p>1.6 Details of any other applicant</p> <p><i>If the application is submitted by two or more enterprises or associations, provide the details of any other applicant as per the details required under Section B, paragraphs 1.1 – 1.5 above, and attach the relevant supporting documents.</i></p>		
<p>2. Information on the Category of Agreements</p> <p>2.1 Description of the category of agreements for which the block exemption is sought, including the following:</p> <ul style="list-style-type: none"> a. The purpose of the category of agreements b. The structure of the category of agreements – whether horizontal or vertical c. The aviation services to which the category of agreements relates 		



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<p>d. The aviation services to which the agreement relate</p> <p>e. The types of parties to the category of agreements</p> <p>f. The range of duration of the category of agreements</p> <p>g. The salient provisions or terms of the category of agreements</p> <p>h. Any other key details relating to the category of agreements</p> <p><i>Any key detail relating to the category of agreements in respect of which a block exemption is sought, other than those listed in sub-paragraphs 2.1(a) – (g) above, shall be provided as well. Attach relevant supporting documents where necessary.</i></p>		
<p>2.2 The existing number of agreements falling within the category of agreements, the name and the description of business carried on by the parties to such agreements</p> <p><i>Provide the number of agreements falling within the category of agreements for which the block exemption is sought. List the name of the parties to such agreement and provide a description of the business of such parties.</i></p>		
<p>2.3 Description of the provision, and the object or effect of the category agreement for which a block exemption is sought</p> <p><i>Describe the provisions, and the object or effect of the category of agreement which are viewed by the applicant as infringing the prohibition under section 49 of the Act and the reasoning for that view.</i></p>		



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<p>3. Aviation Service Market Definition</p> <p>3.1. Description of the relevant aviation service market, including the relevant service market, geographic market, and temporal market, where applicable</p> <p><i>Explain the relevant aviation service market definition and substantiate with evidence or data. Include the following details in the explanation on the relevant aviation service market, where applicable:</i></p> <ul style="list-style-type: none">▪ <i>the aviation service that is the subject of the category of agreements for which a block exemption is sought, i.e. the focal aviation service;</i>▪ <i>any other service viewed as substitutable with the focal aviation service;</i>▪ <i>the enterprises competing in the relevant aviation service market;</i>▪ <i>the estimates of the market shares of the enterprises competing in the relevant aviation service market, including that of the parties to the category of agreements or members of the association for which a block exemption is sought;</i>▪ <i>the annual turnover of the parties to the category of agreements or members of the association for which a block exemption is sought. Attach as supporting documents a copy of the most recent annual report and audited accounts of the parties to the agreement or members of the association of the enterprises;</i>		



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<ul style="list-style-type: none"> ▪ <i>the factors to be considered relating to the demand-side substitutability of the focal aviation service, such as switching period and costs, price elasticities, brand loyalty, service differentiation, etc.;</i> ▪ <i>the factors to be considered relating to the demand-side substitutability of the focal aviation service, such as sunk costs, barriers to expansion, buyer preference, economies of scale, capacity of other enterprises to provide the focal aviation service or its substitutable service, substitution costs, etc.;</i> ▪ <i>the geographic or temporal scope of the focal aviation service, and the factors to be considered relating to demand-side and supply-side substitutability in terms of a geographic market or a temporal market; and</i> ▪ <i>factors to be considered relating to the barriers to entry into the relevant aviation service market. Where available, identify any new enterprise that has entered the relevant aviation service market during the last three years from the date of the application, or any potential enterprise that has announced its intention to enter such market in the near future. Provide the details of each new or potential competing enterprise by full name, full address of the registered office and the principal place of business, contact number, and a contact person. Provide the applicant's best estimates of the market share of the new or potential enterprise in the relevant aviation service market.</i> 		



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<p><i>Attach as supporting documents a copy of evidence or data to substantiate the explanation on the relevant aviation service market definition. This may include any study that analysed the relevant aviation service market, market research, interview with buyers or sellers, or consumer surveys.</i></p> <p><i>If there are more than one relevant aviation service market, please provide the details, substantiate with evidence or data, and attach the supporting documents, for each relevant aviation service market.</i></p>		
<p>4. Relief of Liability</p> <p><i>Describe how the category of agreements for which a block exemption is sought fulfills all requirements for relief of liability under Section 36P of the Act.</i></p> <p>4.1. Description of the benefits directly arising from the category of agreements</p> <p>a. Description of significant identifiable technological benefits directly arising from the category of agreements, if any</p> <p><i>Explain and substantiate with evidence or data —</i></p> <ul style="list-style-type: none">▪ <i>the significant identifiable technological benefits directly arising from the category of agreements;</i>▪ <i>how, why and when the significant identifiable technological benefits would be achieved;</i>		



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<ul style="list-style-type: none"> ▪ <i>whether the significant identifiable technological benefits would be a one-time occurrence or recurring;</i> ▪ <i>the direct causal link between the category of agreements and the significant identifiable technological benefits; and</i> ▪ <i>the likelihood and the magnitude of the significant identifiable technological benefits.</i> <p>b. Description of significant identifiable economic efficiency benefits directly arising from the category of agreements, if any</p> <p><i>Explain and substantiate with evidence or data —</i></p> <ul style="list-style-type: none"> ▪ <i>the significant identifiable economic efficiency benefits directly arising from the category of agreements;</i> ▪ <i>how, why and when the significant identifiable economic efficiency benefits would be achieved;</i> ▪ <i>whether the significant identifiable economic efficiency benefits would be a one-time occurrence or recurring;</i> ▪ <i>the direct causal link between the category of agreements and the significant identifiable economic efficiency benefits; and</i> ▪ <i>the likelihood and the magnitude of the significant identifiable economic efficiency benefits.</i> 		



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<p>c. Description of significant identifiable any social benefits directly arising from the category of agreements, if any</p> <p><i>Explain and substantiate with evidence or data —</i></p> <ul style="list-style-type: none"> ▪ <i>the significant identifiable social benefits directly arising from the category of agreements;</i> ▪ <i>how, why and when the significant identifiable social benefits would be achieved;</i> ▪ <i>whether the significant identifiable social benefits would be a one-time occurrence or recurring;</i> ▪ <i>the direct causal link between the category of agreements and the significant identifiable social benefits; and</i> ▪ <i>the likelihood and the magnitude of the significant identifiable social benefits.</i> 		
<p>4.2. Description of how the benefits claimed in paragraph 4.1, Section B could not reasonably have been provided by the category of agreements without having the effect of preventing, restricting or distorting competition</p> <p><i>Explain how the benefits claimed in paragraph 4.1, Section B could not be provided by any other reasonable means without the category of agreements having such anti-competitive effect. Substantiate with evidence or data.</i></p>		



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<p>4.3. Description of how the detrimental effect of the category of agreements on competition is proportionate to the benefits provided</p> <p><i>To the extent possible, provide monetary estimates of the value of the significant benefits arising directly from the category of agreements, and the detrimental effect of the category of agreements on competition. The monetary estimates must be substantiated with evidence or data.</i></p> <p><i>Where the applicant is of the view that it is not possible to credibly provide the monetary estimates mentioned above, provide a qualitative assessment of the significant benefits arising directly from the category of agreement and the detrimental effect of the category of agreements. Substantiate the qualitative assessment with evidence or data.</i></p>		
<p>4.4. Description of how the category of agreements does not allow the enterprise concerned to eliminate competition completely in respect of a substantial part of the aviation services</p> <p><i>Explain and substantiate with evidence or data.</i></p>		
<p>5. Contact Person for Further Information</p> <p><i>Provide the details of a contact person authorised by the applicant to provide additional information in relation to this block exemption application. The authorised contact person may be an officer or an employee of the applicant, or an agent of the applicant.</i></p>		



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<p><i>If there are more than one applicant, provide the details of a contact person for each applicant.</i></p> <p>5.1. Name of the contact person</p> <p>5.2. Address of the contact person</p> <p>5.3. Contact number of the contact person</p> <p>5.4. Email address of the contact person</p>		
<p>6. Declaration and Signature</p> <p><i>The following caption must be included at the end of the application document:</i></p> <p>“I hereby declare and confirm that the information submitted in the form and the enclosed documents are true and correct to the best of my knowledge and belief.”</p> <p><i>The application document must be signed by a person who is authorised by the applicant to do so, such as the applicant’s officer or employee. Provide proof of authorisation together with the application.</i></p> <p><i>Underneath the signature of the authorised person, provide the following details:</i></p> <ul style="list-style-type: none"> ▪ <i>the name of the authorised person;</i> ▪ <i>the date of signature;</i> ▪ <i>the name of the applicant;</i> ▪ <i>the authorised person’s position or designation; and</i> ▪ <i>the official stamp of the applicant.</i> 		

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<p><i>If the application is submitted by two or more enterprises who are parties to the agreement or members of the association of the enterprises in respect of which a block exemption is sought, the application document must be signed by an authorised person of each applicant followed by the details listed above.</i></p>		