

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY  
PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the February 2024

G.S.R.\_\_(E).- In exercise of the powers conferred by clause (ac) of sub-section (2) of Section 63 of the Competition Act, 2002 (12 of 2003), the Central Government hereby makes the following rules to prescribe the criteria for the purposes of sub-section (4) of Section 6 of the Competition Act, 2002, namely:-

**1. Short title and commencement.**

(1) These rules may be called the Competition Commission of India (Green Channel) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**

(1) In these rules, unless the context otherwise requires,

a. "Act" means the Competition Act, 2002 (12 of 2003);

- b. “Green Channel” means filing of a notice under sub-section (4) of section 6 of the Act for a proposed combination which fulfils the criteria prescribed under these rules and which shall be deemed approved upon filing and acknowledgement thereof by the Commission in terms of sub-section (5) of section 6 of the Act.

(2) All other words and expressions used in these rules but not defined, shall have the same meanings, respectively assigned to them in the Act.

### **3. Criteria for Green Channel: -**

For the purposes of sub-section (4) of section 6 of the Act, the criteria to be fulfilled shall be as under:-

Considering all plausible alternative market definitions, the parties to the combination, their respective group entities and/or their affiliates:-

- (a) do not produce/provide similar or identical or substitutable product(s) or service(s);
- (b) are not engaged in any activity relating to production, supply, distribution, storage, sale and service or trade in product(s) or provision of service(s) which are at different stage or level of production chain; and
- (c) are not engaged in any activity relating to production, supply, distribution, storage, sale and service or trade in product(s) or provision

of service(s) which are complementary to each other.

Explanation:

- (a) The parties to the combination and their respective group entities means:
  - (i) the ultimate controlling person of the acquirer and other entities forming part of the same group;
  - (ii) the enterprise being acquired and other downstream entities forming part of its group;
  - (iii) enterprises being merged or amalgamated, their controlling persons, and entities forming part of their group
  
- (b) An enterprise is considered to be an affiliate of another enterprise if that another enterprise has:
  - (i) 10% or more of the shareholding or voting rights of the enterprise; or
  - (ii) right or ability to have a representation on the board of directors of the enterprise either as a director or as an observer; or
  - (iii) right or ability to access commercially sensitive information of the enterprise.

[Comp-05/4/2023-Comp-MCA]

(MANOJ PANDEY)  
ADDITIONAL SECRETARY