



**CONTAINERCHAIN (MALAYSIA) SDN BHD**

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**NOTICE OF FINDING OF AN INFRINGEMENT BY THE COMPETITION COMMISSION UNDER SECTION 40 OF THE COMPETITION ACT 2010 [ACT 712] DATED 1 JUNE 2016 ("NOTICE")**

**Enterprise giving this Undertaking**

1. This Undertaking is given to the Malaysia Competition Commission ("MyCC") by Containerchain (Malaysia) Sdn Bhd ("Containerchain Malaysia") in compliance with sub-paragraph 197(iv) and sub-paragraph 208(iv) of Enclosure 1 of the Notice ("Direction on Undertaking").
2. MyCC has agreed that Containerchain Malaysia's compliance of the terms of this Undertaking shall be deemed as full and final satisfaction of the Direction on Undertaking.
3. The date of this Undertaking shall be referred to as the "Effective Date".

**The Undertaking**

4. Containerchain Malaysia undertakes to reconfigure the Containerchain system in order to ensure it is not used for any anti-competitive conduct including those mentioned in paragraph 197(i) and paragraph 208(i) of the MyCC's Final Decision in the manner described in paragraphs 6 and 7 below.
5. Containerchain Malaysia undertakes to reconfigure the Containerchain system so that:
  - (a) a container depot operator ("CDO") will be responsible to publish its own depot gate charge ("DGC") without the involvement of Containerchain Malaysia's personnel; and
  - (b) the Containerchain system no longer administers the rebates (if any) from a CDO to a haulier for early payment,in the manner described in paragraphs 6 and 7 below.
6. The process for a CDO to independently publish the DGC and changes to the DGC are as follows:
  - (a) that a CDO will be given its unique individual login credential, which the CDO can use to log in to the Containerchain system;
  - (b) after log in, the CDO will be able to independently set or revise the DGC;
  - (c) once the DGC is set or revised by the CDO, the Containerchain system will automatically and instantaneously transmit a notification to hauliers on the revised DGC; and



- (d) the DGC will be visible to a haulier who logs-in to the Containerchain system to make a notification request to the relevant CDO (if a haulier uses more than one CDO, it will be able to view the DGCs of all the CDOs it uses).
7. In relation to rebates to hauliers for early payment, the changes will be as follows:
- (a) the rebate to hauliers will be removed from the Containerchain system;
  - (b) the invoice generated by the Containerchain system will not make reference or take into account any rebate by a CDO to the haulier;
  - (c) Containerchain Malaysia will by written notice inform CDOs who subscribe to the Containerchain system that any rebate to be provided to hauliers must be independently managed by the CDO outside the Containerchain system.
8. Containerchain Malaysia will complete the reconfiguration to the Containerchain system as set out in paragraphs 6 and 7 above within sixty (60) days from the Effective Date.

**General Provisions**

- 9. This Undertaking shall be enforceable by MyCC in accordance with section 42 of the Competition Act 2010.
- 10. Nothing in this Undertaking prejudices any person's right under section 64 of the Competition Act 2010.

Dated this 30<sup>th</sup> day of June, 2016, Kuala Lumpur, Malaysia

**AGREED TO AND ACCEPTED BY:**

.....  
Signed by and on behalf of  
Ajith Sudarshana Edussuriya  
Containerchain (Malaysia) Sdn Bhd

.....  
Signed by and on behalf of  
Competition Commission

**TAN SRI DATO' SERI SITI NORMA YAAKOB**  
Chairman  
Malaysia Competition Commission (MyCC)

2