

Summary Report by the CARICOM Competition Commission on Competition and Consumer Protection within the CARICOM Single Market and Economy (CSME) during the COVID-19 Pandemic

Further to press release dated 25th March 2020, the CARICOM Competition Commission (CCC) committed to ensuring that competition in the markets for the supply of goods and items used to protect consumers from COVID 19 are maintained, by collaboration its regional partners, such as national competition and consumer protection authorities, sector regulators, non-government consumer organisations, and other regional institutions to:

- **Engage** in competition advocacy to encourage firms to behave responsibly in pricing their products during this pandemic
- **Ensure and/or facilitate** communication by relevant authorities with businesses and consumers to report sale and pricing practices that are suspected of infringing national competition or consumer protection laws.
- **Monitor** markets as to whether firms are engaging in conduct which substantially impedes effective competition in markets in key product markets.
- **Encourage** direct enforcement action is taken against firms that individually or collectively engage in anti-competitive business conduct. For example, firms colluding to fix or charge excessive prices for key products or marketing fraudulent products that claim to prevent, cure or treat COVID 19.
- **Advocate** for the fast track implementation of national competition and consumer protection laws in Member States without such laws to assist in the ability of agencies to respond effectively to unscrupulous sales and pricing practices in the region.
- **Promote** a region-wide monitoring policy for prices of critical products and services (voluntary or otherwise) such as selected food and health and safety related items in Member States where market conditions do not currently support effective competition.

These strategies were later codified into the Regional Protocol for the Management of COVID-19. Together with the national competition and consumer community, the Commission developed a Regional Action Plan (Plan) with strategies for national competition and consumer protection authorities in CARICOM to follow during the pandemic. The strategies revolve around three pillars: monitoring markets; competition and consumer advocacy; and competition law and consumer enforcement.

The CCC established and chairs a Steering Committee which was established on 3rd April 2020 to monitor initiatives taken by the Member States and advise on key policy decisions required at the national level to implement the Plan. The Steering Committee benefits from the

membership of the Barbados and Jamaica Fair Trading Commissions, the Guyana Competition and Consumer Affairs Commission, the Consumer Affairs Commission of Jamaica, the Belize Bureau of Standards, and the national consumer protection agencies of Trinidad and Tobago and Saint Lucia. The Steering Committee has already approved the Plan and its Terms of Reference.

Table 1 highlights the actions taken by the Commission and the Steering Committee, and the outcomes of the efforts made to mobilise the agencies responsible for competition law and consumer protection enforcement in the CSME during the pandemic.

Table 1: Actions taken during the COVID-19 pandemic and outcomes of actions

Actions	Outcomes
(a) <u>Created</u> a portal on the Commission website to share information about the work of competition law and consumer protection authorities during the pandemic.	Web portal launched.
(b) <u>Issued</u> press releases on the Commission website warning businesses not to engage in anti-competitive business conduct or deceptive practices that could harm consumer health.	Press releases uploaded and disseminated to the public.
(c) <u>Prepared</u> a document listing the national competition and consumer protection legislations in the region.	A document on competition and consumer protection legislation in the Member States uploaded for public information on the Commission website.
(d) <u>Developed</u> and disseminated a work sheet to collect information on COVID-19 related policies and actions being implemented by the national competition and consumer protection authorities and Ministries of Trade to protect commercial and consumer welfare in the CSME.	Information on policies and activities collected.
(e) <u>Convened</u> meetings of the Steering Committee to discuss the implementation of the regional Action Plan.	<ul style="list-style-type: none"> ▪ Six meetings held of the Steering Committee. ▪ One Committee report prepared by the JFTC and CAC on competition and consumer advocacy.
(f) <u>Developed</u> a basket of essential goods for monitoring prices during the pandemic. The data will allow agencies to track changes and compare prices in the region.	Price data collected in some Member States.
(g) <u>Launched</u> an airline study to understand the: regulatory environment for competition and consumer protection in the industry; experiences of consumers with flight	<ul style="list-style-type: none"> ▪ Press release disseminated and on the Commission’s website launching the study;

Actions	Outcomes
cancellations during the pandemic; and competition in airline markets.	<ul style="list-style-type: none"> ▪ Questionnaires for airlines, travel agents, and aviation authorities, developed and disseminated to the Member States for data collection. ▪ Questionnaire of airline customers developed and promoted on the social media platforms of the Commission and its counterpart agencies.
(h) <u>Convened</u> meetings with consumer non-government organisations (NGOs) to discuss their role in advancing consumer interests during the pandemic and assistance needed from the Commission to conduct these activities.	Two meetings with consumer NGOs held. The Commission has a firm understanding of the work done by the agencies, their challenges, and support needed.
(i) <u>Convened</u> a meeting with sector regulators to discuss their activities to help consumers during the pandemic.	One meeting held with the Organisation of Caribbean Utilities Regulators (OOCUR) to discuss gathering information on the activities of sector regulators. A memorandum of understanding between the Commission and OOCUR will be developed to facilitate information sharing between the two agencies and coordinated training on competition and regulatory law and economics.

Way forward

Reports from the OECD suggest that the global economy is not expected to recover to pre-pandemic levels for at least another 2 years. Considering these predictions, the Commission and the Steering Committee will continue its efforts to protect markets using the consumer protection and competition laws available in the region.

The Commission also wishes to note that in 2021, other activities will be pursued in its work programme which are expected to strengthen the competition law and consumer protection frameworks in the region to mitigate the effects of the pandemic. These activities will include:

- (a) **Promotion** of the Commission’s online competition law module launched in the fourth quarter of 2020, to increase the public’s knowledge about competition law and its enforcement in the CSME;
- (b) **Development** of an online consumer protection module to strengthen the capacity of the public sector and consumer NGOs in the region;

- (c) **Conduct** of capacity building exercises with the private sector to increase their knowledge about competition law;
- (d) **Redevelopment** of the Commission website to facilitate the sharing of information about competition law and consumer protection activities in the CSME relating to COVID-19.
- (e) **Collaboration** with the CARICOM Secretariat, CROSQ, CAHFSA, and other agencies that support consumer protection functions in the CSME.

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