

**CARICOM COMPETITION COMMISSION
2018 WORK PROGRAMME
JANUARY TO SEPTEMBER PROGRESS REPORT**

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
JANUARY – MARCH			
	<p>A. Continue to provide support to Member States throughout the year, in the establishment of their Competition Regimes under Article 173.2 (c) and (d).</p>	<p>Provide technical assistance to the relevant authorities in the Member States towards the establishment and full functioning of their National Competition Authorities:</p> <ul style="list-style-type: none"> i) OECS – Further to the meeting in November 2018 (OECS/CCC), the CCC communicated its willingness to continue supporting the OECS Commission in efforts to establish the Eastern Caribbean Competition Commission (ECCC) with respect to legislation, technical assistance and training. ii) Trinidad and Tobago –Following the appointment of new Commissioners at the Fair Trading Commission, discussion were held to between held to determine suitable date for delivery of training support to Commissioners and staff of FTC. The initial timeline suggested June 2018 but training is now expected to be delivered in November 2018. 	<p>1. Enhancement of the competition enforcement process in the CSME.</p>

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>B. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f)</p>	<p>1. 11th European Development Fund The CCC participated in a meeting was convened by the CARICOM Secretariat CSME Unit on 19 January 2018 with representatives of the National Competition Authorities, and representatives of competent authorities in Member States to discuss a draft project proposal to secure potential funding in the areas of:</p> <ul style="list-style-type: none"> (a) Development of Cooperation agreements between National Commissions and the CCC (b) Development of merger control provisions and regulations for a regional merger control regime; (c) Training support for NCCs and CCC <p>The CCC subsequently provided written submission with a view towards strengthening the project methodology and expected outcomes.</p>	<p>1. Building human and institutional capacity in NCC and CCC.</p>
	<p>C. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f)</p>	<p>1. Second Meeting of Officials on Competition Policy in the CSME The meeting convened by the CARICOM Secretariat CSME Unit on 05 March 2018 discussed:</p> <p>(a)Public Consultations on the CSME Merger and Acquisitions Policy to facilitate final approval by COTED in 2018: The Meeting agreed in principle to the following:</p> <ul style="list-style-type: none"> 1. Member States were to submit their strategy for undertaking national consultations on the Mergers and Acquisition Policy by 19 March 2018 with the majority failing to do this. 	<p>1. Finalized amendments incorporating feedback from Presented to COTED on:</p> <ul style="list-style-type: none"> (a) Amended Chapter 8 of the RTC incorporating merger provisions. (b) Draft CSME Merger guidelines.

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>C. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f) (cont'd)</p>	<p>2. Preliminary comments arising from these consultations are not likely to be submitted by 6 April 2018;</p> <p>3. The CCC pledged its support to member states in conducting their national consultations on the merger policy. This would be delivered online or in-country where financially feasible</p> <p>4. To date Barbados is the only country to have completed a national stakeholders' consultation.</p> <p>5. Guyana Competition and Consumer Affairs Commission (CCAC) has indicated consultations are being planned. The original scheduled date for July 2018 was missed and a new date is expected to be announced in the fourth quarter 2018.</p> <p><u>Request for Technical Assistance during national consultations</u></p> <p>1. Member States requested technical assistance for their national consultations. It was agreed that the National Competition Authorities of Barbados, Jamaica and Trinidad and Tobago along with the CCC will provide technical assistance when requested. re necessary.</p>	<p>2. Building human and institutional capacity in NCC and CCC.</p>

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>C. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f) (cont'd)</p>	<p>(b) Establishment of national commissions to implement and enforce the rules of competition in the Community</p> <p>The Meeting agreed:</p> <ul style="list-style-type: none"> i. To the establishment of the Sub-Committee recommended by the Reconvened Task Force on Implementation of Chapter Eight of the Revised Treaty¹; comprised of representatives from: <ul style="list-style-type: none"> a) Barbados Fair Trading Commission; b) Jamaica Fair Trading Commission; (c) Competition and Consumer Affairs Commission (CCAC) of Guyana; (d) CARICOM Secretariat (CSME Unit); e) Trinidad and Tobago National Competition Commission; f) CARICOM Competition Commission; and OECS Commission. (ii) The Secretariat will prepared and circulated the Terms of Reference for the Sub-Committee; <p><i>The CCC provided comments as requested by the deadline date.</i></p> <ul style="list-style-type: none"> (iii) The Sub-Committee has met and organized smaller groups to address legal and financial issues. The committee members have met and preliminary discussion have begun with documentation being requested and submitted by parties such as the CCC. (iv) The Third Meeting of Competition Officials is expected before the end of the fourth quarter 2018 dependent on the progress made by the Sub-Committee. 	

¹ At its Second Meeting held in March 2015

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>C. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f) (cont'd)</p>	<p>1. Fifth Meeting of the CARICOM Competition Network (CCN) This was convened on 23 March 2018 via GoTo Meeting and considered/discussed:</p> <p>(i) Areas of cooperation/workplan/activities for 2018</p> <p>(a) COFECE Internship Programme – national competition agency of Mexico</p> <ul style="list-style-type: none"> ❖ Possible areas for technical cooperation between COFECE and the competition authorities in the CSME, including the sharing market study reports written in English; and ❖ Invitations for competition authorities in the CSME to participate in the internship programme COFECE conducts <p>The CCC was designated to contact COFECE to gather additional information to assist member states in making an informed decision on whether to participate in the training programme. This was necessary as part of the requirements for participation involved signing of cooperation agreement with COFECE.</p>	<ol style="list-style-type: none"> 1. Promotion of harmonization of competition enforcement in the region to minimize incompatible outcomes in CARICOM Member States. 2. Predictability for businesses with regard to competition enforcement in the CSME. 3. Further strengthen the relationship between the NCAs in Latin America and CARICOM.
		<p>(b) US FTC/US DOJ training proposal</p> <p>The CARICOM Competition Commission (CCC) sought technical training, particular in the area of merger control.</p> <ul style="list-style-type: none"> ❖ Contact was made with the US Federal Trade Commission (FTC) regarding capacity building for the competition agencies in the region. The US FTC proposed an agenda to the CCC which has been forwarded to the national competition authorities for consideration and feedback. 	

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>C. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f) (cont'd)</p>	<p>(c) LACCF 2018</p> <ul style="list-style-type: none"> ❖ Participant agreed to submit a joint paper to the meeting when the thematic areas are identified. <p>(ii) Discussion on the research agenda of the CCN for 2018 This item was deferred to a future meeting of the CCN</p> <ul style="list-style-type: none"> ❖ Mr. Hippolyte, Research Officer, CCC presented research conducted on competition in the banking sectors of Guyana and Suriname. This <p>(iii). Knowledge transfer among CCN membership</p> <ul style="list-style-type: none"> • A short discussion saw agreement that the exchange of experiences and presentation of hypotheticals would be beneficial to all participants 	<p>3. Building human and institutional capacity in NCC and CCC.</p>
	<p>D. Promote and protect competition in the Community and coordinate the implementation of the Community Competition Policy under Article 173.2(b)</p>	<p>(i) Assessment of potential anti-competitive business conduct in CSME Reviewed a request from a regional institution on possible anti-competitive behavior by EU based companies in the tourism sector in the CSME:</p> <ul style="list-style-type: none"> a) limited market data was provided; b) Advice given reflected the CCC template for submission of complaints- this was necessary in order to secure sufficient information to make reasoned assessment of potential anti-competitive business conduct in the tourism sector 	<ol style="list-style-type: none"> 1. The development of competitive markets in the CSME. 2. Protection and maintenance of competition in the CSME 3. Protection and maintenance of competition in the CSM

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>E. Promote and protect competition in the Community and coordinate the implementation of the Community Competition Policy under</p> <p>Article 173.2(b)</p>	<p>(ii) CARICOM Multi-lateral Air Services Agreement (M.A.S.A) – The Agreement was submitted to CCC for review in the context of the Community Competition Regime. The review of the M.A. S.A continues and should be completed by the end of September 2018. Comments will be provided to relevant stakeholders for additional feedback.</p> <p>(iii) Stakeholder engagement assessment Preliminary internal discussions were conducted to review the CCC’s relationships with some key stakeholders starting with the national competition authorities. These consultations will continue in the fourth quarter 2018 to enable the CCC to develop a plan of action to streamline engagement with stakeholders and better deliver more effective technical support to NCAs and other regulatory authorities</p>	<ol style="list-style-type: none"> 1. The development of a database of regulatory practices that affect product market competition in the CSME. 2. Increased awareness about the importance of competition for the proper functioning of national and regional markets. 3. Strengthen relationship with competent authorities in the member states to support competition enforcement
	<p>F. Facilitate the exchange of relevant information and expertise in Consumer Protection and Welfare under</p> <p>Article 173.2 (f), (g) and (h)</p>	<p>(i) World Consumer Rights Day 2018.</p> <p>The theme for 2018 is <i>'Making digital marketplaces fairer'</i>. In support of this theme:</p> <ol style="list-style-type: none"> a) The CCC in support of the theme developed an Internet privacy questionnaire to be administered by members of the Consumer Protection Working Group b) CCC prepared a statement on WCRD 2018. 	<ol style="list-style-type: none"> 1. Strengthen the Consumer NGOs network by providing data and strategies for supporting national consumer advocacy programmes

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>G. Promote and protect competition in the Community and coordinate the implementation of the Community Competition Policy under Article 173.2(b)</p>	<p>INTERNATIONAL COOPERATION – COFECE Training Offer</p> <p>The CCC continued its effort to secure technical assistance in support of NCCs. Arising from discussions between participants at the 5th Meeting of the CARICOM Competition Network (CCN), the CCC continued engaged with the Mexico competition authority (COFECE) to get additional information on the offer of technical assistance with respect to:</p> <ul style="list-style-type: none"> (a) The nature of the cooperation agreement that needed to be signed to access the internship programme? (b) Is the offer of technical assistance inclusive of a move towards a broader enforcement cooperation agreement? (c) Consideration being given to any approved candidate being exposed to multiple operational departments? <p>The CCC expects a response from the COFECE in April 2018 which will inform the individual actions of NCCs and the CCC in making a determination on whether to nominate staff to participate in the technical cooperation programme on offer by Mexico.</p> <p>Product Market Indicators (PMI)</p> <p>The CCC expects to discontinue work and advocacy on development of Product Market Indicators (PMI) for CARICOM Member States as support has dwindled for execution of the initiative given time, resource and financial constraints.</p>	<p>1. Building human and institutional capacity in NCAs and CCC.</p>

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>H. Facilitate the exchange of relevant information and expertise under Article 173.2 (g)</p>	<p>(iv) Promotion of CCC Rules of Procedure (ROP) – Educational Outreach in Guyana This initiative was deferred based on three (3) factors: (a) lack of progress on the legislative framework at the national level; (b) budgetary concerns, and (c) unavailability of relevant personnel.</p> <p>The CCC will continue to engage with and support Guyana CCAC</p> <p>Media and Advocacy Initiatives</p> <p>(i) The development of a CCC media strategy is still under internal review. Preliminary discussions are ongoing as to the appropriate policy framework for a competition authority.</p> <p>The CCC is seeking to learn from best practices at other regional and extra-regional competition authorities with a view to adapting an appropriate conceptual framework that meets our specific needs .</p> <p>(iii) Execute training sessions with media workers and media companies in CARICOM Member States to develop awareness This has been delayed as it forms a critical component of the overall media strategy. When the media policy is finalized then it will inform the media training strategy.</p> <p><i><u>Examination of competition in Financial Services Sector</u></i></p> <p>(iv) Completed examination of competition in the banking sectors of Guyana and Suriname Results being assessed with a view to making recommendations for improvement in regulatory framework where necessary.</p>	<ol style="list-style-type: none"> 1. Greater awareness of the role of the Commission in prohibiting anticompetitive cross-border business conduct in the CSME and from extra-regional sources. 2. Increased knowledge by both the public and private sector about anti-competitive business conduct in the CSME. 3. Potential anti-competitive business conduct in CSME addressed. 4. The development of a database of regulatory practices that affect product market competition in Member States. 5. The identification of trends in the application of the regulatory practices that impact on product market competition in the region.

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
APRIL - JUNE			
	<p>I. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f) (cont'd)</p>	<p>(v) Convened the Sixth Meeting of the CCN Member continued discussions on:</p> <p>(a) COFECE Internship Programme</p> <ul style="list-style-type: none"> • Participants received an update on the information requested from COFEC to further assist in their internal deliberations <p>(b) FTC training proposal</p> <ul style="list-style-type: none"> • Discussions continued in attempt to reach consensus on the specific areas on which to request training. <p>(c) LACCF 2018</p> <ul style="list-style-type: none"> • Members reached agreement on the thematic area “Informality” as thematic area on which a group presentation would be prepared. The CCC was to coordinate preparation of the report. 	<ol style="list-style-type: none"> 1. Strengthening the relationship between CCN members in CARICOM. 2. Increased opportunities for collaboration between the competition agencies in the region and those outside of the region, e.g. US FTC and the national competition authorities of Mexico and Brazil.
	<p>Facilitate the exchange of relevant information and expertise in Consumer Protection and Welfare under Article 173.2 (f), (g) and (h)</p>	<p>Online Webinars with the Consumer Research Working Group and the Regular Sessions of Consumer Officials</p> <p>(a) The CCC is still in the process of compiling information on the different types of firms providing financial services in the CSME. This is required to set the methodological framework for future action and to provide a context for discussion with stakeholder groups.</p>	<ol style="list-style-type: none"> 1. Further development of regional capacity and expertise in consumer protection and welfare in the CSME. 2. Strengthen the Consumer NGOs network by providing data and strategies for supporting national consumer advocacy programmes

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>G. Conduct research and collect and collate information in respect of matters affecting the interests of consumers under Article 186.1 (h)</p>	<p>1. Meetings of the Consumer Research Working Group</p> <p>Efforts to support data driven advocacy have been deferred to the fourth quarter 2018. Availability of CCC personnel impacted efforts to convene meetings</p>	<p>1. Development of policies to guide/enhance consumer protection and welfare in the CSME.</p> <p>2. Further development of standard operating procedures for handling consumer complaints</p>
	<p>H. Towards building regional capacity and expertise in Competition Law and Consumer Protection under Article 173.2 (g) and (h).</p>	<p>(i) Assessment of Perceptions of Consumer Protection frameworks in CSME Member state:</p> <p>There has been some difficulty in convening meetings to enable consensus to be reached on methodology and timeline for execution. The issue of financing remains a major area of concern. The last quarter 2018 is expected to be the jump off point for preparations to deliver meaningful results in 2019.</p> <p>(ii) Deliver region wide in-house and online Level 2 Training programme in Competition Policy to key stakeholder groups</p> <p>The CCC developed appropriate modules arising from work already completed in 2016/2017. The stakeholder engagement project is to be expanded in the second stage to incorporate feedback from the some key stakeholder groups. This is expected to ensure better streamlining training.</p>	<p>1. Towards building regional capacity and expertise in Competition Law and Consumer Protection under Article 173.2 (g) and (h).</p>

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>I. Towards building regional capacity and expertise in Competition Law and Consumer Protection under Article 173.2 (g) and (h).</p>	<p>(iii) Promotion of CCC Rules of Procedure (ROP) – Educational Outreach in Trinidad and Tobago</p> <p>This outreach effort has been deferred based on feedback from the Trinidad and Tobago FTC. The full enactment of all provisions of the Fair Trading Act has not occurred as expected. This type of training is most relevant when the Trinidad and Tobago TFTC can fully undertake enforcement actions through investigations of potential anti-competitive business conduct.</p>	<p>1. Greater awareness of the role of the Commission in prohibiting anticompetitive cross-border business conduct in the CSME and from extra-regional sources.</p>
<p>JULY - SEPTEMBER</p>			
<p>SEPTEMBER</p>	<p>J. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f)</p>	<p>Advocacy and Outreach to Member States</p> <p>The new Chairman of the CCC as part of his mandate for implementation of the Community Competition Policy paid a visit to the headquarters of the CCC in Paramario, Suriname. As part of the visit, Chairman Blackman paid a courtesy call on the Minister of Trade, industry and Tourism of Suriname, the Honourable Minister Tsang who has responsibility for competition law and policy.</p> <p>The parties discussed a range of issues related to trade, competition and regulations. There was an exchange of information on cartels and a commitment to working together in this area of competition enforcement.</p>	<p>1. Greater awareness of the role of the Commission in prohibiting anticompetitive cross-border business conduct in the CSME and from extra-regional sources.</p>

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
SEPTEMBER	K. To carry out functions under Article 173.2 (g) and (h)	<p>Participation in Annual LACCF 2018</p> <p>The CCC sent a two person delegation of Chairman and staff member to represent CARICOM and the CARICOM Competition Network (CCN) The CCC delivered a presentation in support of the CCN group collaborative paper to LACCF Secretariat on informality and competition enforcement in the CSME.</p>	1. Increased opportunities for collaboration between the competition agencies in the region and those outside of the region, e.g. US FTC and the national competition authorities of Mexico and Brazil.
	L. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f)	<p>(1) Convening of Seventh meeting of the CCN</p> <p>The agenda addressed:</p> <p>(a) 2018 LACCF meeting report</p> <p>(b) US DOJ multilateral framework agreement on competition proposal</p> <p>(c) COFECE and US FTC training proposals</p> <p>(d) CSME Market Assessment/Competition study. The sectors of national interest identified by NCAs included:</p> <ul style="list-style-type: none"> • Telecommunications • Manufacturing- Paint • Construction – cement • Petroleum products • Medical/Pharmaceutical (generic Drugs) • Agricultural – Poultry • Tourism • Shipping 	<p>1. Strengthening the relationship between CCN members in CARICOM.</p> <p>2. The development of a database of regulatory practices that affect product market competition in the CSME.</p> <p>3. The identification of trends in the application of the regulatory practices that impact product market competition in the region.</p>

TIME FRAME	OBJECTIVES	ACTIVITIES	EXPECTED OUTCOME
	<p>L. Co-operation with competent authorities in the Member States as required under Article 173.2 (e) and (f) (cont'd)</p>	<p>The participants agreed to focus on competition assessment/competition study for three areas of</p> <ul style="list-style-type: none"> i) Petroleum Products ii) Pharmaceutical (Generic Drugs) iii) Shipping <p>This work is expected to start in 2019.</p> <p>Preliminary bilateral discussions were also started to seek cooperation on partnering with other NCAs and competent authorities in 2019 to deliver:</p> <ul style="list-style-type: none"> i) A Regional Lecture Series ii) Training for Commissioners and new staff 	