

2016



*"...to promote and maintain fair competition within the CARICOM Community for the enhancement of economic efficiency and consumer welfare."*

*CARICOM COMPETITION COMMISSION*

*QUARTERLY REPORT*

*JANUARY – MARCH 2016*



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## FOREWORD

This report highlights the work of the CARICOM Competition Commission (Commission) for the first quarter of 2016, in the areas of competition law and policy, and consumer welfare and protection of consumer interests in the CARICOM region. The work of the Commission is guided by the institution's mandate under Chapter VIII of the Revised Treaty of Chaguaramas (RTC). Consequently, the document is structured to highlight the relevant provisions within the RTC under which each activity falls.

### *Competition Law and Policy*

Having completed and submitted the preliminary examination report on the impact of the Cable and Wireless (CWC) Agreement to Acquire Columbus in the Member States of the OECS, to the Chairman of the Commission, the Commission expects to communicate its decision on whether to conduct a full investigation to the COTED, interested parties and the general public in the second quarter of 2016.

With regard to advocacy, the first in a series of one-day Level 1 sensitisation workshops in Competition Law was delivered by the Commission in Guyana to various stakeholders in March 2016. The sensitisation workshops are being funded under the 10<sup>th</sup> EDF Project for Capacity Building to Support the Effective Implementation of the CARIFORUM-EU Economic Partnership Agreement. The Commission expects to complete the capacity building exercise in the 13 participating CARICOM Member States by the end of July 2016, and has also been invited to provide support for the delivery of Level 2 training in Competition Law in Trinidad and Tobago and Suriname during the month of May 2016.

Additionally, the Commission prepared "Draft Guidelines for National Competition Authorities (NCAs) on Referring Cross-Border Cases." The draft Guidelines were used in discussions with the staff of the Guyana Competition and Consumer Affairs Commission (CCAC), after a request was made for information regarding the mechanism for transferring cases of a cross-border nature to the Commission. The Guidelines will also be made available to other NCA's and competent authorities in the CARICOM Single Market and Economy (CSME) for consultation and amendment as necessary.

The Commission participated in a panel discussion hosted by the Chamber of Commerce in Suriname, to discuss barriers to inter-regional trade and its impact on competition between firms. The Commission also completed the final working document to guide the establishment of the CARICOM Competition Network (CCN), in collaboration with the CARICOM CSME Unit.

Market research into the beverage sector in the CSME continues, and is timely in light of the major acquisitions which occurred in the industry in Barbados and Jamaica during 2015.

### *Consumer Welfare and Protection of Consumer Interests*

The Commission collaborated with the Caribbean Health and Food Safety Agency (CAHFSA) in writing and publishing an article for World Consumer Rights Day (WCRD) 2016, in order to create awareness of this year's theme "antibiotics off the menu". Additionally, the Commission partnered with key local stakeholders in Suriname in hosting a ceremony which highlighted the theme for WCRD 2016.

The Commission also participated in the first meeting of the CARICOM Consumer Working Group on Policy for 2016, and a Cooperation Agreement (the Agreement) regarding the enforcement of cross-border consumer matters was drafted for the consideration of national consumer protection agencies in the CSME. The Agreement will be presented to the COTED once finalised.

Additionally, as a member of the Project Review Committee (PRC) on the Consultancy to Strengthen the CSME Regulatory and Market Regimes, the Commission reviewed submissions from consultants on two research papers funded under the CARICOM Secretariat CSME Unit 10<sup>th</sup> EDF Projects viz. "Study on Price Controls in the CSME" and "Market Transparency Study." The results and recommendations of the study will be used to inform future policy submissions for the consideration of the COTED.

The Commission takes this opportunity to encourage national competition and consumer authorities in CARICOM to submit articles of interest for future publication. For information on how your work can be featured in one of our future quarterly reports kindly contact [admin@ccc.sr](mailto:admin@ccc.sr).

## **SECTION A: COMPETITION LAW AND POLICY**

1. *Article 173(1) (a) – “apply the rules of competition in respect of anti-competitive cross-border business conduct”*

(A) *ALL MEMBER STATES*

### **CWC AGREEMENT TO ACQUIRE COLUMBUS**

In the first quarter of 2016, the Commission completed its preliminary examination report on the impact of the Cable and Wireless (CWC) Agreement to Acquire Columbus in the Member States of the Organisation of Eastern Caribbean States (OECS).

The report was submitted to the Chairman of the Commissioners for consideration and decision on whether a full investigation is warranted into the acquisition agreement.

It is expected that the Commission will make a decision on the merits of the matter known to the COTED, interested parties and the general public in the second quarter of 2016.

2. *Article 173(1) (b) – “promote and protect competition in the Community and co-ordinate the implementation of the Community Competition Policy;”*

(A) *CARIFORUM SECRETARIAT EPA IMPLEMENTATION UNIT 10<sup>TH</sup> EDF PROJECT*

**“CAPACITY BUILDING WITHIN THE CARIFORUM IN THE AREAS OF COMPETITION, PUBLIC PROCUREMENT, AND CUSTOMS AND TRADE FACILITATION IN SUPPORT OF THE IMPLEMENTATION OF THE CARIFORUM-EU ECONOMIC PARTNERSHIP AGREEMENT (EPA)” PROJECT**

### **EPA Capacity Building Level 1 Sensitisation in Competition Law**

Under the EPA Capacity Building Project, competition experts from the Commission have been selected to deliver Level 1 Training in Competition law in 13 Member States of CARICOM. The Commission is also playing a major role in executing the administrative and logistical arrangements, in order to ensure successful delivery of the training.

The first of these 13 one-day training sessions was executed in Guyana on 17 March 2016, with a total 58 participants, with strong representation from public sector ministries, and

statutory agencies with regulatory functions in the local economy. Participation from the private sector was not at the same level as the public sector, which was disappointing given the critical role that the awareness of competition law and its enforcement plays in influencing the way that firms compete in the market place.

The Question and Answer sessions were frank and interactive. They involved a vibrant exchange of opinions, factual information, and practical experiences of competition law enforcement. Some of the more heavily discussed topics were:

- Similarities and differences between competition and trade policy
- Enforcement mechanism for competition law at the national and regional levels
- Judicial arrangements for competition law enforcement – timeliness for completion of competition cases by NCAs, and decision making by Commissioners and the judiciary
- Adequate funding for NCAs and the Commission
- Education programmes for competition law and policy
- Role of sector regulators and the application of sector rules in a manner that encourages competition in an economic sector
- Role of NGOs, media, and other community actors in monitoring anti-competitive business conduct

The evaluation results indicated that the seminar was well received and achieved the learning objectives as set out in the Level 1 Training Manual.

Coverage of the training session in Guyana can be viewed by accessing the following link:

<http://www.gina.gov.gy/home/index.php/news/news-by-ministries/ministry-of-business/item/5188-competition-commission-seeks-to-protect-consumers-restrict-abuse-of-dominant-positions>

## **EPA Capacity Building Level 2 Sensitisation in Competition Law**

From May 2016, competition experts from the Commission will be lending support to the delivery of Level 2 Training in Suriname, and Trinidad and Tobago. The Level 2 Training is targeted at personnel of young NCAs in the CSME, national sector regulators, academia (economic and legal practitioners), and ministries with responsibility for competition policy and law.

***(B) ALL MEMBER STATES***

**MARKET RESEARCH INTO THE BEVERAGE SECTOR IN THE CSME**

The Commission continues to conduct research into the beverage sector in the CSME, in order to gain a better understanding of the factors driving competition in that sector. The research is timely given the major acquisitions that occurred in the industry in 2015 in Barbados (SLU Beverages acquisition of Banks Holding Limited makers of Banks Beer), and Jamaica (Heineken's acquisition of Desnoes & Geddes makers of Red Stripe Beer).

- **EXAMINATION OF THE DETERMINANTS OF BEER CONSUMPTION AND CONSUMER REACTION TO CHANGES IN BEER PRICES IN THE CSME**

On 29 February 2016, the Commission concluded the consumer beer survey which began in December 2015. The Commission was assisted in the compilation of the information received by the Barbados Fair Trading Commission. A report is expected to be completed and published on the Commission's website by the end of the second quarter of 2016.

- **APPLICATION OF PRICE TESTS TO DELINEATE THE RELEVANT PRODUCT MARKET FOR BEER IN THE CSME**

A research paper has been drafted on the application of price tests to define the relevant product for beer in the CSME, using Barbados as a case study. The final version of the paper is expected to be completed in the second quarter of 2016.

- **SURVEY OF THE VIEWS OF BEVERAGE COMPANIES IN THE CSME**

The objective of the survey is to obtain the views of beverage companies in the region on overlapping markets and products which are close substitutes. The survey will be launched in the second quarter of 2016, and will complement the data gathered from the consumer beer survey.

**MEETING TO DISCUSS THE OPTIONS FOR THE OECS MEMBER STATES TO MEET THEIR OBLIGATIONS UNDER CHAPTER EIGHT OF THE RTC FOR THE ESTABLISHMENT OF A NATIONAL COMPETITION AUTHORITY**

In November 2015, the Commission participated in a meeting convened by the CARICOM Secretariat and the OECS Commission, to discuss options for the OECS Member States to meet their national obligations under Chapter VIII of the RTC.

The meeting highlighted the legal, administrative, political and economic challenges which the various options posed for OECS Member States in meeting these national obligations.

The CCC continues to support the OECS Commission in this regard, with a technical meeting scheduled for the first week of April 2016. The Commission expects that a decision on the way forward will be made by the end of the second quarter of 2016.

**(C) SURINAME**

**Participation in Panel Discussion hosted by the Suriname Chamber of Commerce**

The Commission along with representatives from the Ministry of Trade and Industry and the Ministry of Agriculture, participated in a panel discussion on “Trade and Competition” which was hosted by the Chamber of Commerce in Suriname.

The discussion revolved primarily around barriers to inter-regional trade and the impact on competition between firms. This was a key concern of some members of the audience, who indicated that sometimes administrative barriers were the greatest stumbling block for businesses wishing to enter new markets in the CSME.

In response to the questions raised, the Commission provided an overview of its role in regulating intra-regional trade, and emphasized that its jurisdiction is limited to the anti-competitive business conduct of enterprises with a cross border nature whereas policy matters relating to trade between countries is the responsibility of Member States.

With respect to a live example provided by one member of the audience which affected trade between Suriname and another CARICOM Member State, the Commission advised that the matter be referred to the COTED for consideration, given that the matter had not been resolved through bilateral consultations.

The discussion highlighted the need for greater advocacy about the differences between the application of competition law and trade policy. This is currently being addressed in the Level I Training in Competition Law and Policy which is being executed by the competition experts of the Commission in all Member States participating in the CSME.

**(D) GUYANA**

**Support to Guyana Competition and Consumer Affairs Commission**

Discussions were held with the staff of the Guyana Competition and Consumer Affairs Commission (CCAC) regarding the mechanism for transferring cases with a cross-border effect to the Commission.



The Commission has prepared draft guidelines for use by NCAs in referring cases with a cross-border effect. This was used as a basis for the discussions with the CCAC, and is discussed in greater detail in the section below.

It is expected that the guidelines will be discussed and amended as necessary through consultations with other NCAs and competent authorities in the CSME.

3. *Article 173 (2) (C) - “promote the establishment of institutions and the development and implementation of harmonised competition laws and practices by the Member States to achieve uniformity in the administration of applicable rules”*

(A) **SUPPORT FOR THE IMPLEMENTATION OF CHAPTER EIGHT OF THE RTC**

### **COMMISSION GUIDELINES FOR SETTING FINES FOR ANTI-COMPETITIVE BUSINESS CONDUCT SUBMITTED TO THE FORTY-FIRST MEETING OF THE COTED, NOVEMBER 2015**

The “*Guidelines for Setting Fines for Anti-competitive Business Conduct*” which was presented to the Forty-First Meeting of the Council on Trade and Economic Development (COTED) in November 2015, is now available on the Commission’s website.

These guidelines were prepared in accordance with Article 174.4(d) of the RTC which gives the Commission the power to impose fines on any undertaking that engages in anti-competitive behaviour as defined in Article 177 of the RTC.

The guidelines can be accessed on the following link:

[http://www.caricomcompetitioncommission.com/images/pdf/guide\\_setting\\_fines.pdf](http://www.caricomcompetitioncommission.com/images/pdf/guide_setting_fines.pdf)

### **ESTABLISHMENT AND OPERATION OF THE CARICOM COMPETITION NETWORK**

In March 2016, the Commission in collaboration with the CARICOM Secretariat CSME Unit completed the final working document to guide the establishment and operation of the CARICOM Competition Network (CCN).

The CCN has been conceptualized as a virtual voluntary platform for consultation, research, and development of best practices for competition enforcement among NCAs, competent authorities with responsibility for competition policy and law in Member States in the CSME, and the Commission.

The first meeting of the CCN is expected to occur in the second quarter of 2016. Other key stakeholders such as national sector regulators and regional regulatory institutions will be invited to participate in selected fora when necessary.

### **GUIDELINES FOR NCAs ON REFERRING CROSS-BORDER CASES TO THE COMMISSION**

In the past, the Commission has received informal information from NCAs regarding business conduct with the potential to infringe Chapter 8 of the RTC. Therefore, the Commission has prepared Guidelines with a view to ensuring that alleged anticompetitive cross-border cases are not injudiciously referred to the Commission by NCAs, but is instead based on the required legal and economic evidence which suggests that an infringement under Articles 177 or 179 of the RTC has occurred, or is occurring, and is therefore under the jurisdiction of the CCC.

The document is intended to provide greater clarity and predictability as to the general framework, and analysis required by the NCAs prior to referring an alleged anticompetitive cross-border case to the Commission. The Commission also expects the Guidelines to enhance the competition enforcement process in the region, as it pertains to cross-border cases.

### **SECTION B: CONSUMER WELFARE AND PROTECTION OF CONSUMER INTERESTS**

*4. Article 186 – “provide support in the promotion of consumer welfare and protection of consumer interests”.*

#### **(A) SUPPORT TO MEMBER STATES**

#### **WORLD CONSUMER RIGHTS DAY**

The focus for WCRD 2016 was on antibiotic resistance, and the need to implement measures both at the national and regional levels to address the overuse of antibiotics in food animals, and monitor food of animal origin.

In order to sensitise the public to this years’ theme “antibiotics off the menu” the Commission prepared a joint statement with the Caribbean Agricultural Health and Food Safety Agency (CAHFSA). The joint statement was published in some regional newspapers, as well as on the Commission’s website, and can be accessed on the following link: [http://www.caricomcompetitioncommission.com/images/pdf/wcrd\\_2016\\_statement.pdf](http://www.caricomcompetitioncommission.com/images/pdf/wcrd_2016_statement.pdf)

Additionally, the Commission compiled and published on its website, a list of the activities which were held in some of the CARICOM Member States in celebration of WCRD 2016. The list of activities can be accessed on the link below:

[http://www.caricomcompetitioncommission.com/images/pdf/wcrd\\_2016\\_activities.pdf](http://www.caricomcompetitioncommission.com/images/pdf/wcrd_2016_activities.pdf)

Throughout 2016, the Commission will continue to publicise initiatives and articles in the CSME which promote the theme for WCRD 2016.

### **WCRD 2016- SURINAME**

As part of its efforts to further raise awareness of WCRD 2016 and the theme “antibiotics off the menu” in Suriname, the Commission partnered with key local stakeholders viz. the consumer NGO “Consumentenkring” and the Ministry of Trade and Industry, in hosting a ceremony at a local middle school on 15 March 2106.

The importance of the event was highlighted by the Minister of Trade and Industry of Suriname, the Honourable Sieglien Burlson who delivered the feature address. Students were informed about the development of antibiotic resistance in our food supply, and the importance of making healthy food choices. This was supported by several visual displays and speeches by other prominent speakers from the Consumentenkring, and the Ministries of Trade and Industry, Agriculture and Health.

### **DRAFT COOPERATION AGREEMENT FOR THE ENFORCEMENT OF CROSS-BORDER CONSUMER MATTERS**

The Commission continued efforts to operationalize the proposal on the “Enforcement of Cross-border Consumer Matters” which was submitted for the consideration of the Thirty-Ninth meeting of COTED in November 2014. At that meeting, some Member States requested additional time to consider the proposal, and its implication at the national level. The consultation process with Member States was completed in 2015.

Further to the completion of the consultation process, the Commission drafted and circulated a Cooperation Agreement (“the Agreement”) for the consideration of national consumer protection agencies in the CSME in March 2016. Feedback from the national consumer protection agencies will be compiled and form part of the documentation for a meeting with the Commission, with a view to reaching consensus on the provisions of the Agreement. The meeting is expected to be convened in the second Quarter of 2016.

The Commission hopes to present the finalised Agreement to the Forty-Third Meeting of COTED in November 2016 for consideration and approval.

### **MEETING OF CARICOM CONSUMER WORKING GROUP ON POLICY**

On 11 March 2016, the Commission participated in the first meeting of the CARICOM Consumer Working Group on Policy for 2016. The meeting discussed and sought feedback on the following policy documents:

- (1) Revised CARICOM Consumer Protection Policy; and
- (2) CARICOM Regional Policy on the CARREX (CARICOM Rapid Alert System for the Exchange of Information on Dangerous (Non-Food) Consumer Goods).

It is expected that an update will be provided to the COTED by the CARICOM Secretariat CSME Unit which has the lead on the revision of the CARICOM Consumer Protection Policy, and the implementation of the CARREX.

### ***(B) CARICOM SECRETARIAT CSME UNIT 10TH EDF PROJECTS***

#### **MEMBER OF THE PROJECT REVIEW COMMITTEE (PRC) ON THE CONSULTANCY TO STRENGTHEN THE CSME REGULATORY AND MARKET REGIMES**

A meeting was convened to review submissions on the following research papers completed by the consultants as part of the Consultancy to Strengthen the CSME Regulatory Regime.

#### **(1) Study on Price Controls in the CSME**

A comprehensive assessment was undertaken of how, and to what extent, price control is implemented in the CSME, as well as the economic impacts of price control. The study aims at filling this information gap in order to develop recommendations for enhancing policies aimed at ensuring “fair” prices for consumers and producers in the region.

The study focuses primarily on consumer goods, which constitutes the focus of price control in the region. Pricing of petroleum products is also covered to a certain extent, however, price control in regulated industries viz. electricity, water, and telecommunication is not included.

## **(2) Market Transparency Study**

The purpose of this study was to analyse how, and to what extent the CSME Member States are enhancing market transparency in the region. By deriving recommendations from regional practices, as compared with international best practice, the study aims at contributing to the development of appropriate policies for the mitigation of unfair trade practices, as well as the harmonisation of approaches across the single market and economy, in order to enhance consumer welfare in the region.

The results and recommendations from the studies will be used to inform future policy submissions for the consideration of the COTED.

## **SECTION C: SHORT ARTICLES**

### **A. The Role of the CARICOM Competition Commission in Community Competition Policy**

#### **(English Version)**

The CARICOM Competition Commission (CCC) was inaugurated on 18 January 2008 in Paramaribo, Suriname. The establishment of the CARICOM Competition Commission is a joint obligation of the Member States and the Community as signatories to the *Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy (CSME)* in 2001.

The CSME is a trade arrangement whereby the Member States would seek to encourage and expand trade amongst themselves for the benefit of each Member State and the region as a whole. The CSME creates a single economic space within which goods, services, capital and labour are to move freely, and the right of establishment is secured.

Under Article 169 of the Revised Treaty the objective of Community Competition policy shall be to ensure that the benefits expected from the establishment of the CSME are not frustrated by anti-competitive business conduct. These benefits are expected to be shared by all stakeholders including the private sector, government and consumers, rather than a select group of persons or businesses.

Anti-competitive business conduct can take the form of agreements between enterprises (market sharing, direct or indirect fixing of prices, price discrimination) or abuse of dominance (unfair purchasing or selling prices or restrictive practices). Anticompetitive business agreements can be viewed as agreements between two or more competitors which have the intention or the effect of limiting competition amongst themselves in order to gain

higher profits. While an abuse of dominant market position can occur when a firm which is dominant in a market has power which far exceeds that of its rivals, and can set prices without taking into account how competitors would react. In some jurisdictions, for instance, a firm is considered dominant if it possesses at least 40 percent share or more of the market for a particular product.

The mandate of the CCC is to (a) apply the rules of competition, in respect of anti-competitive cross-border business conduct; and (b) promote and protect competition in the Community and co-ordinate the implementation of the Community Competition Policy within the CSME.

To carry out its mandate the Commission is authorized among other things under Article 173 of the Revised Treaty to:

- Monitor anticompetitive business conduct in the CSME
- Coordinate implementation of competition policy in the CSME
- Cooperate with national competition authorities
- Investigate and arbitrate cross-border cases
- Develop and disseminate information about competition policy, and consumer protection policy

The Commission having been given certain powers under Article 174 of the Revised Treaty:

- May make determinations regarding the compatibility of business conduct with rules of competition and other related provisions of the Treaty.
- Shall order the termination or nullification of agreements, decisions or activities prohibited under the Revised Treaty
- Shall impose fines for breaches of Community competition rules
- Order payment of compensation to persons affected
- Adopt measures such as issuing cease and desist orders as appropriate to end anticompetitive business conduct

In carrying out its functions and using its powers under Chapter VIII of the Revised Treaty, the CCC is subject to the legal rules of the national jurisdiction in which it executes its powers. This means that the Commission has to operate according to the national competition law in each Member State. For example, in Barbados, the CCC operates according to the provisions of the Fair Competition Act Cap. 326.

The work of the CCC is very dependent on collaboration with national competition authorities in the Member States. As such, the Commission continues to work with the Member States in order to support the implementation of their national requirements under Chapter VIII of the Revised Treaty.

The CCC is most effective when each Member State has enacted a national competition law and established a national competition authority to enforce the law. Community Competition Policy was designed to ensure effective enforcement at the Member States and Community levels. It is a partnership that works best when each party carries out its required functions.

The Caribbean Court of Justice (CCJ) is the final court of appeal for persons or companies against whom the CCC has issued a determination of a breach of Community competition law. The CCJ has the authority under the Revised Treaty to review the administrative and quasi-judicial functions of the CCC.

## **B. De Rol van de CARICOM Mededingingscommissie in het Mededingingsbeleid van de Gemeenschap**

### **(Dutch Version)**

De inauguratie van de CARICOM-Mededingingscommissie (CCC) vond plaats op 18 januari 2008 in Paramaribo, Suriname. De oprichting van de CARICOM-Mededingingscommissie is een gezamenlijke verbintenis van de Lidstaten en de Gemeenschap als ondertekenaars van het *Herziene Verdrag van Chaguaramas tot Oprichting van de Caribische Gemeenschap met inbegrip van de CARICOM Interne Markt en Economie (CSME)* in 2001.

De CSME is een handelsovereenkomst waaronder de Lidstaten ernaar streven de onderlinge handel te stimuleren en uit te breiden ten gunste van elke lidstaat en van de regio als geheel. DE CSME creëert een economische ruimte binnen welke goederen, diensten, kapitaal en arbeid vrij bewegen en het recht van vestiging gegarandeerd is.

Krachtens artikel 169 van het Herziene Verdrag heeft het mededingingsbeleid van de Gemeenschap tot doel te waarborgen dat de voordelen die worden verwacht van de oprichting van de CSME niet worden teniet gedaan door mededingingsverstoringe handelspraktijken. Deze voordelen zullen naar verwachting worden gedeeld door alle belanghebbenden waaronder inbegrepen; de private sector, de overheid en de consument. De voordelen mogen niet voorbehouden zijn aan een selecte groep personen of bedrijven.

Mededingingsverstoringe handelspraktijken kunnen de vorm aannemen van afspraken tussen ondernemingen (verdelen van de markt tussen concurrerende

ondernemingen, directe of indirecte afspraken tussen ondernemingen ten aanzien van de vaststelling prijzen, prijsdiscriminatie) of misbruik van dominante marktpositie (onbillijke aan- of verkoopprijzen of beperkende handelspraktijken).

Mededingingsversturende zakelijke overeenkomsten kunnen worden gezien als overeenkomsten tussen twee of meer concurrenten welke als doel of effect hebben het beperken van de onderlinge concurrentie om grotere winsten te maken.

Misbruik van een machtspositie op de markt kan zich daarentegen voordoen wanneer een bedrijf dat dominant aanwezig is op een markt en veel meer macht heeft dan zijn rivalen prijzen kan vaststellen zonder rekening te hoeven houden met de gevolgen voor zijn concurrenten.

In bepaalde rechtsgebieden wordt een bedrijf geacht een dominante marktpositie te hebben als het ten minste 40 procent of meer van de markt voor een bepaald product beheerst.

Het mandaat van de CCC is: (a) het toepassen van de mededingingsregels met betrekking tot grensoverschrijdende mededingingsversturende handelspraktijken; en (b) het bevorderen en beschermen van mededinging in de Gemeenschap en het coördineren van de uitvoering van het mededingingsbeleid van de Gemeenschap binnen de CSME.

Voor de uitoefening van haar mandaat is de Commissie onder andere krachtens artikel 173 van het Herziene Verdrag gemachtigd om:

- mededingingsversturende handelspraktijken in de CSME te monitoren;
- de uitvoering van het mededingingsbeleid in de CSME te coördineren;
- samen te werken met nationale mededingingsautoriteiten;
- grensoverschrijdende zaken te onderzoeken en bij arbitrage af te handelen;
- informatie over mededingingsbeleid en consumentenbeschermingsbeleid te ontwikkelen en te verspreiden.

De Commissie die ingevolge Artikel 174 van het Herziene Verdrag bepaalde bevoegdheden heeft meegekregen:

- mag beslissingen nemen betreffende de verenigbaarheid van handelspraktijken met de mededingingsregels en andere gerelateerde bepalingen van het Verdrag;
- zal de beëindiging of nietigverklaring gelasten van overeenkomsten, besluiten of activiteiten die zijn verboden krachtens het Herziene Verdrag;



- zal boetes opleggen voor het overtreden van de mededingingsregels van de Gemeenschap;
- zal betaling van een vergoeding aan getroffen personen gelasten;
- zal de nodige maatregelen nemen zoals opdracht geven mededingingsversturende handelspraktijken te staken en achterwege te laten.

De CCC is bij het uitoefenen van haar functies en het gebruiken van haar bevoegdheden ingevolge Hoofdstuk VIII van het Herziene Verdrag onderworpen aan de rechtsregels van de nationale rechtsgebieden waarbinnen zij haar bevoegdheden uitoefent. Dit betekent dat de Commissie te werk dient te gaan overeenkomstig de nationale mededingingswetgeving van elke Lidstaat. Bijvoorbeeld, in Barbados handelt de CCC in overeenstemming met de bepalingen van de Fair Competition Act Cap. 326.

Het werk van de CCC is in hoge mate afhankelijk van de samenwerking met nationale mededingingsautoriteiten in de Lidstaten. Derhalve geeft de Commissie verder uitvoering aan haar werk met de Lidstaten om de uitvoering door hen van de nationale vereisten van Hoofdstuk VIII van het Herziene Verdrag te ondersteunen.

De CCC is het effectiefst wanneer elke Lidstaat een nationale mededingingswet heeft aangenomen en een nationale mededingingsautoriteit voor het handhaven van de wet heeft ingesteld. Het mededingingsbeleid van de Gemeenschap werd ontwikkeld om effectieve handhaving op het niveau van de Lidstaten en de Gemeenschap te garanderen. Het is een partnerschap dat het best werkt wanneer elke partij de van haar vereiste functies uitoefent.

Voor personen of ondernemingen die door de CCC zijn gevonnist voor een inbreuk gepleegd op het mededingingsrecht van de Gemeenschap is het Caribisch Hof van Justitie (CCJ) de beroepsinstantie (appèl court). Het CCJ heeft krachtens het Herziene Verdrag de bevoegdheid de administratieve en semi-rechterlijke functies van de CCC te herzien.

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