

S.I. 2009 No. 114

Fair Competition Act
Cap. 326C

**FAIR COMPETITION (APPLICATION FOR
AUTHORISATION) RULES, 2009**

The Fair Trading Commission in exercise of the powers conferred on it by section 50 of the *Fair Competition Act*, with the approval of the Minister, makes the following Rules:

1. These Rules may be cited as the *Fair Competition (Application for Authorisation) Rules, 2009*. Citation.

2. Where an enterprise is desirous of an authorisation under section 29 of the Act, it shall

(a) submit to the Commission

- (i) an Application for Authorisation Form set out in the *Schedule*; Schedule.
- (ii) copies of any agreements or any other contracts on which the authorisation is based;
- (iii) a copy of resolutions of the board of directors of any enterprise in respect of the authorisation;
- (iv) a list of all other regulatory bodies which will be affected by the authorisation;
- (v) copies of applications made to other regulatory bodies under paragraph (iv); and

- (b) pay to the Commission
 - (i) the application for authorisation fee; and
 - (ii) the authorisation investigation fee,

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specified in the *Fair Trading Commission (Fair Competition Authorisation Fees) Regulations, 2009*.

SCHEDULE

(Rule 2)

APPLICATION FOR AUTHORISATION FORM

1. GENERAL INFORMATION

- (a) Provide details of the Applicant(s).

- (b) Provide details of all other parties to the agreement or business practice which would be affected or prohibited by the *Fair Competition Act*, Cap. 326C.

- (c) Provide the details of the agreement or business practice which would be affected or prohibited by the *Fair Competition Act*, Cap. 326C.

- (d) Has the agreement or business practice identified in paragraph 1(c) of this Form been adjusted to minimise any anti-competitive effect?

SCHEDULE – Cont'd

- (e) Describe the market for goods and or services supplied in Barbados that is likely to be affected by agreement or business practice identified in paragraph 1(c) of this Form.

2. COMPETITION AND DETRIMENT

- (a) What is the degree of price and non-price competition in the market(s)?

- (b) Are there any circumstances that limit the degree of competition in the market(s)?

- (c) To what extent do imported products compete in the market(s)?

SCHEDULE – Cont'd

- (d) What is the estimated market share of imported products? Are there any relevant trade restrictions affecting the level of imports such as quotas, tariffs or duties?

- (e) Are there any other factors limiting the degree of import competition such as perishability of the product, high transportation costs, product standards or quarantine requirements?

- (f) How will the authorisation affect competition in the market(s)?

- (g) To what extent will the proposed conduct affect price levels, product quantity, product quality, consumer choice and economic efficiency in Barbados?

SCHEDULE – Cont’d

- (h) Provide details on the individuals, businesses or organisations likely to be directly affected by the authorisation.

- (i) Indicate how the public in general will be affected, whether adversely or beneficially by the authorisation.

3. PUBLIC BENEFITS

- (a) Provide details of all claimed public benefits that are likely to result from the authorisation.

SCHEDULE – *Cont'd*

- (b) Explain why the expected public benefits are likely to outweigh any public detriments, particularly any anti-competitive effects.

4. RATIONALE FOR PROPOSED CONDUCT

- (a) Explain why the authorisation would be rational or reasonable and should be authorised in all the circumstances.

- (b) Give details and reasons for the period of time for which authorisation is sought, and the reasons why the period is considered necessary.

SCHEDULE – *Concl'd*

5. OTHER SUBMISSIONS

- (a) Please provide any other material or submissions deemed relevant to the authorisation.

- (b) Are there any persons you believe the Commission should contact in relation to the authorisation?

6. CERTIFICATION AND SIGNATURE

I.....
PRINT FULL NAME

.....
PRINT POSITION/TITLE

have reviewed the matters reported in this application and certify that the information contained in these documents is complete, true and accurate.

.....
SIGNATURE

.....
DATE

Made by the Fair Trading Commission this 2nd day of October, 2009.

NEVILLE V. NICHOLLS
Chairman
Fair Trading Commission.

Approved by the Minister this 2nd day of October, 2009.

DAVID ESTWICK
Minister responsible for Commerce and Consumer Affairs.