



Remedies and penalties

John Davies, Executive Director

MCCI 28th May 2010

A brief reminder



1. Collusive agreements
(price-fixing, bid-rigging,
resale price maintenance)
 - Prohibited (no discretion).
Possible fines for deliberate or
negligent breach.

 2. Non-collusive agreements
 3. Abuse of monopoly
- } ➤ CCM judgment based on
effect. Remedy to mitigate
problem; possible off-
setting public benefits
4. Merger control
 - Assess for significant lessening
of competition. Block or
remedy if so.

The story so far



- No remedies or penalties yet imposed!
- First CCM investigation now at provisional findings stage, report to Commission due July 7th
- Then hearings (~August) if Commission is considering remedies
- Commission decision (September/October)

Avoiding remedies and penalties



- Undertakings: parties can at any time make an offer that removes the problem
 - A decision for the Commission
 - Must be comprehensive: “satisfactorily addresses *all* the concerns of the Commission.”
- Leniency programme: partial or full avoidance of financial penalties for informing the CCM about collusive agreements

Further reading:

CCM 6

**Competition Commission of Mauritius
Guidelines**

REMEDIES AND PENALTIES

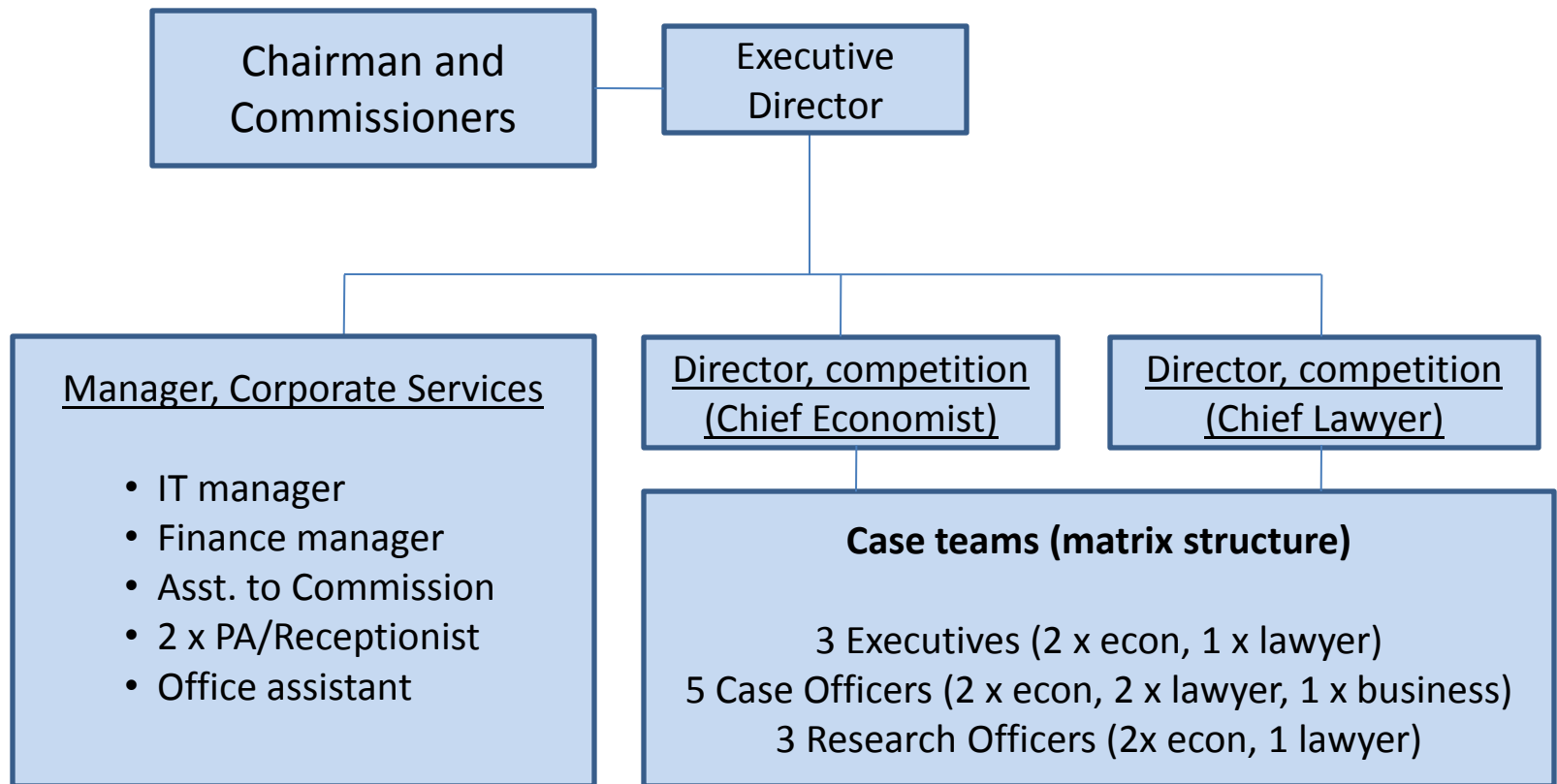
November 2009



© Competition Commission of Mauritius 2009



The CCM today



Activity: outside investigations



- Advice to Government, eg on IPR policy and international negotiations
- Working with Procurement Policy Office on guidelines and training about bid-rigging
- Public events – such as this one and a major workshop around 20th July
- Capacity building: training and secondments
- Publicity and outreach
- First market study planned

Forthcoming attractions





Discussion