

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE COMPETITION COMMISSION OF MAURITIUS

AND

THE FINANCIAL SERVICES COMMISSION

Section 66 of the Competition Act 2007 and
Section 87 of the Financial Services Act 2007

2011

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COMPETITION COMMISSION OF MAURITIUS (CCM)
AND
THE FINANCIAL SERVICES COMMISSION (FSC)

1. OBJECTIVE

This Memorandum of Understanding (MOU) sets out a framework of co-operation between the Competition Commission of Mauritius (CCM) and the Financial Services Commission (FSC) in their common pursuit to promote and maintain a fair, competitive, efficient and sound financial environment in Mauritius.

2. ESTABLISHMENT AND RESPONSIBILITIES

2.1 The Competition Commission of Mauritius

The CCM is established as an independent body corporate under the Competition Act 2007. Its goal is to make markets work well in the interests of consumers and the economy of Mauritius. To this end, the CCM has a number of powers under the Competition Act 2007, *inter alia*,

- (i) to keep the operation of markets in Mauritius and the conditions in those markets under constant review;
- (ii) to investigate and take enforcement action against suspected breach of the prohibition of restrictive agreements which fall within sections 41 to 43 of the Competition Act 2007; which cover agreements, namely horizontal agreements, bid rigging, which are collusive and vertical agreements involving resale price maintenance;

- (iii) to investigate any matter that is subject to review under sections 44 to 48 of the Competition Act 2007, which cover those agreements which have the effect of preventing, restricting or distorting competition or resulting in a substantial lessening of competition;
- (iv) to take action against identified anti-competitive practice ; and
- (v) to undertake general studies on the effectiveness of competition in individual sectors of the economy in Mauritius.

2.2 The Financial Services Commission

The FSC is deemed to be established under the Financial Services Act 2007, as the integrated regulator for the financial services sector other than banking, and global business, and has, *inter alia*, the responsibility of:

- (i) licensing, regulation and supervision of all non-bank financial institutions under the Financial Services Act 2007, the Insurance Act 2005 and the Securities Act 2005;
- (ii) licensing, regulation and supervision of global business and its service providers under the Financial Services Act 2007; and
- (iii) ensuring the stability and soundness of the financial system of Mauritius.

The law provides *inter alia*,

- (a) for the FSC to:
 - (i) carry out investigations and take measures to suppress illegal, dishonourable and improper practices, market abuse and financial fraud in relation to any activity in the financial services and global business sectors;
 - (ii) carry out research, commission studies and disseminate information in the field of financial services;
 - (iii) take measures for the better protection of consumers of financial services; and
- (b) to approve mergers with respect to its licensees.

