

	Competition Commission of Mauritius 1 <sup>st</sup> Floor, GM Tower 7 Maupin Street Port Louis Tel. No. 211-2005 Fax No. 211-3107 email: info@ccm.mu	
<b>MEDIA RELEASE</b>		
		<b>Date:</b> 26/03/2012
		<b>Investigation Ref:</b> CCM/INV/018
<b>LAUNCH OF INVESTIGATION ON PROFESSIONAL ARCHITECTS COUNCIL RULES 1990</b>		

The Competition Commission of Mauritius (CCM) has on the 19<sup>th</sup> March 2012, launched an investigation on the Professional Architects Council Rules 1990 (the PAC Rules) under section 51(1) of the Competition Act 2007 (the Act), into a potential infringement of the collusive agreement provisions of the Act.

The PAC Rules, made by the Professional Architects Council under section 12 of the Professional Architects Council Act 1988, and which predate the Competition Act 2007, may include provisions that restrict advertising and competition on fees. These provisions may be in breach of section 41 of the Act.

The CCM is still at a very early stage in this investigation and will seek to understand the rationale of those potentially restrictive clauses within the PAC rules, before coming to any conclusion on this matter.

[End of Media Release]

#### **Background for editors:**

##### ***The Competition Act***

The Competition Act 2007 came fully into effect on November 25<sup>th</sup> 2009, and is enforced by the Competition Commission of Mauritius, the CCM. Sub-part I of Part III of the Competition Act 2007, covers restrictive practices described under 'Collusive agreements'.

##### ***Collusive Agreements:***

Section 41 to 43 of the Competition Act, prohibit agreements between enterprises, which are considered collusive, unless excluded under the Act. An "agreement" may be in any form, whether or

not legally enforceable and includes an oral agreement, a decision by an association of enterprises and any concerted practice. A Concerted practice means “a practice involving contacts or communications between competitors falling short of an actual agreement but which nonetheless restricts competition between them.”

An agreement is considered collusive under the Competition Act 2007, if it exists between enterprises that supply or acquire goods and services of the same description; prevents, restricts or distorts competition and the object and effect of which is, in any way, to:

- Fix the selling or purchase price of goods and services;
- Share markets or sources of supply of the goods and services;
- Restrict the supply or acquisition of the goods or services

The CCM takes the view that, in most markets, free competition is an effective guarantor of the interests of consumers and is likely best to promote the efficiency, adaptability and competitiveness of the economy of Mauritius. Significant weakening of competition will therefore have adverse effects.

Consequently, if the CCM finds evidence of behaviour that is preventing, restricting or distorting competition, on the part of enterprises that have collusive agreements, it will normally expect that such behaviour will have adverse effects on consumers or the economy as a whole.

Following an Investigation, the CCM has the power to force changes in company behaviour and will consider behavioural undertakings offered by the investigated party or parties, including financial penalties.

***Further information:***

For further information see the CCM’s website at [www.ccm.mu](http://www.ccm.mu), and the CCM’s Procedural Rules and Guidelines: ‘[CCM 1 - Procedural Rules](#)’, ‘[CCM 3 - Collusive agreements](#)’ and ‘[CCM 6 - Remedies and Penalties](#)’, all available on the web site.