



Guidelines

CC 8-MARKET INQUIRIES

March 2026

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I. Introduction

- 1.1 Features of a market in Mauritius that adversely affect competition in the supply or acquisition of goods or services can lead to negative outcomes for consumers, businesses, and the broader economy. These outcomes may include higher prices, lower quality, reduced output, diminished efficiency, and less innovation, among others¹.
- 1.2 Section 51(B) of the Competition Act 2007 (the Act) empowers the Executive Director of the Competition Commission (Executive Director) to conduct market inquiries and to come up with recommendations to address market features that harm competition in connection with the supply or acquisition of any goods or services in Mauritius. In light of the Executive Director's report, where the Commission determines that competition is adversely affected, it may issue any recommendation deemed appropriate to the concerned authority with respect to changes to policy, laws and regulations and competition matters.
- 1.3 In this regard, the guidelines provide general information on the manner in which the provisions of the Act, regulations and rules in the context of market inquiries are to be applied in practice at the time of publication. The examples and analytical approaches set out in these guidelines are intended to illustrate the Competition Commission's general framework for assessment. They are not exhaustive and shall not limit the powers of the Executive Director or the Commission under the Act.
- 1.4 These guidelines may be cited as CC 8 - Market Inquiries Guidelines (hereinafter referred to as "Guidelines").
- 1.5 The Guidelines are not a substitute for the provisions of the Act, the regulations or rules and may be revised from time to time to reflect any ensuing legislative developments, improvement in the Competition Commission's processes, and best international practices.
- 1.6 In interpreting and applying the Guidelines, Part I (Preliminary) of the Competition Commission Rules of Procedure 2009 and the CC 7 – Guidelines General Provisions shall be taken into account, where applicable.

¹ "Competition is a key driver of aggregate productivity growth because it boosts within-firm upgrading, induces better resource allocation across firms and markets, and, in the end, ensures that only the most productive firms compete in the market. It is also an important determinant of investment because it encourages investments in intangibles, infrastructure, and technology that can enable the firm to compete, expand its market presence, or enter new markets. There is also a consensus that contestability is essential to incentivize innovation, but competition is not the only determinant." World Bank. 2025. The Markets and Competition Policy Assessment Toolkit. © World Bank. <http://hdl.handle.net/10986/42649> License: [CC BY-NC 3.0 IGO](https://creativecommons.org/licenses/by-nc/3.0/)."

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1.7 These Guidelines should be read in conjunction with the Act and other relevant CC Guidelines published by the Commission. All applicable guidelines are available on the Competition Commission's website, at www.competitioncommission.mu.

2. Concept and process of conducting market inquiries

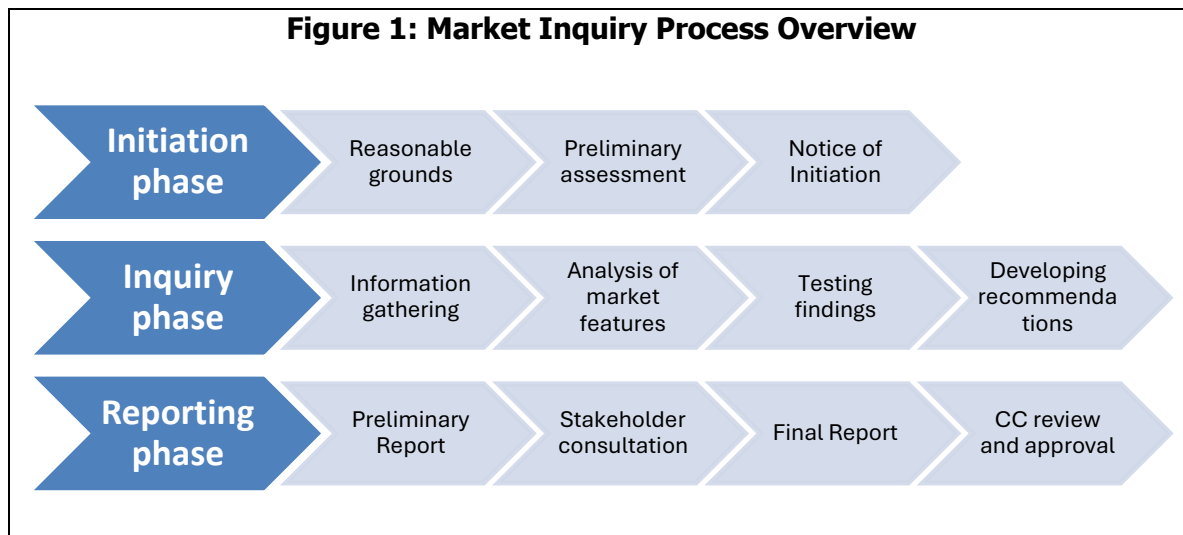
Concept of market inquiries

- 2.1 A market inquiry is a formal tool within the competition law framework. It involves a broad examination of market features—including market structure, firm behaviour, and customer or supplier conduct—regardless of whether the sector is public, private, or regulated.
- 2.2 In contrast to enforcement cases, which typically require a finding of infringement by specific enterprise(s) of the anti-competitive agreements, abuse of dominance or merger control provisions of competition law, market inquiries adopt a more holistic and forward-looking approach. They enable the examination of a wide range of features in a given market, or sector, that may be impeding competition—such as market concentration, entry barriers, lack of innovation, effects of vertical integration, information asymmetries, or legal or regulatory restrictions, among others.
- 2.3 This flexibility allows the Competition Commission to make recommendations in markets that are not delivering competitive outcomes, even if no single firm has violated the law. In this sense, it often results in evidence-based recommendations aimed at improving the functioning of markets in a sustainable and proportionate manner². This is particularly valuable in complex or rapidly evolving sectors, where the causes of weak competition may be multi-faceted and systemic rather than attributable to individual conduct on the part of market players.

Process of conducting market inquiries

- 2.4 The framework for conducting market inquiries can be broadly grouped into 3 phases: (1) initiation; (2) inquiry; and (3) reporting. Figure 1 indicates the main procedural steps in market inquiries within those phrases.

² According to the OECD “Market studies assess whether competition in a market is working effectively and identify measures to address any issues that are identified. The most common market inquiry outcomes are recommendations for regulatory changes, calls for firms to change their behaviour, or law enforcement interventions” OECD (2018), Market inquiry Guide for Competition Authorities 2018, ([link](#)).



2.5 In the first phase, the Executive Director initiates a market inquiry. The legal threshold for launching a market inquiry, pursuant to Section 51B (1) of the Act, is reasonable grounds for suspecting that any feature, or combination of features, of any market in Mauritius prevents, restricts, or distorts competition in connection with the supply or acquisition of any goods or services in Mauritius.

2.6 Section 51B(2) of the Act defines market features in terms of structure of the market concerned or any aspect of that structure; any conduct (whether or not in the market concerned) of one or more than one enterprise which supplies or acquires goods or services in the market concerned; or any conduct relating to the market concerned of customers or suppliers of any enterprise which supplies or acquires goods or services.

2.7 Where the Executive Director has reasonable grounds for suspecting harm to competition from market feature(s) and decides to launch a market inquiry, a notice of initiation is issued to inform stakeholders and invite submissions. The assessment of the potential harm to competition is conducted based on information gathered from the different sources. The findings are tested and appropriate recommendations are formulated. During the conduct of a market inquiry, stakeholders are encouraged to contribute to this examination during a public consultation phase.

2.8 In the reporting phase, the Executive Director produces a Preliminary report and consults stakeholders before finalising same. The process culminates in a report (the Final Report) which may contain recommendations and is submitted to the Commission for review.

2.9 The Commission may either adopt the report or, if necessary, request the Executive Director to revise specific parts before the Final Report is adopted by the Commission.

2.10 According to Section 51B (7) of the Act, if the Commission, after reviewing the report, determines that any feature, or combination of features, of a market in Mauritius prevents, restricts, or distorts competition, it may issue any recommendation it considers appropriate to the concerned authority. Such recommendations may relate to changes in policies, laws, regulations, or other competition matters, with the aim of remedying, mitigating, or preventing the adverse effects identified.

2.11 In this sense, in line with international best practice³, a market inquiry may yield a spectrum of results. Depending on the evidence gathered, the Executive Director may suggest, among others, the following types of recommendations:

- **Competition advocacy and targeted recommendations.** Recommend changes to policy, legislation, administrative rules, or the practices of central or local government or sector regulators. In this regard, it is relevant to consider that the Act states in Section 51B (3) that the potential scope of a market inquiry shall not be limited by the fact that a given sector of the economy is in the public or private sector or is regulated by law and any regulatory authority.
- **Consumer- and public-interest insight.** Rigorous analysis of consumer behaviour and information asymmetries can reveal sources of consumer detriment. Inquiries may therefore suggest initiatives (e.g., switching-facilitation schemes) that empower buyers and measures to improve market transparency so that consumers can make informed decisions.
- **Subsequent investigations.** Pursuant to Section 51B (10) of the Act, the Executive Director retains the power to open a formal investigation under Section 51(1) of the Act at any time during or after the market inquiry based on information obtained in the course of the inquiry. Although a market inquiry is not itself an enforcement proceeding, the information it uncovers may expose other restrictive business practices occurring in that market such as patterns of coordinated or abusive conduct.
- **Compliance Guidance:** Market inquiries can clarify which commercial practices are likely to contravene competition law, thereby fostering voluntary compliance and preventing infringements before they arise. In certain market circumstances, private firms may also seek to voluntarily implement recommendations to their benefit and the benefit of competitive conditions in the market or sector.

³ See: OECD (2018), Market inquiry Guide for Competition Authorities 2018, ([link](#)). pp. 7-8, and Commerce Commission (New Zealand), Market Studies Guidelines, November 2020 ([link](#)). para. 22.

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2.12 Finally, it is important to note that after a market inquiry has been completed, the Executive Director can conclude that no further action is needed⁴.

2.13 The subsequent sections of the Guidelines elaborate on the process of conducting market inquiries by the Competition Commission.

⁴ Additionally, when market inquiries are conducted in close consultation with sector regulators and other public bodies, they foster a competition-minded culture across government, strengthen inter-agency relationships, and help align regulatory policies with pro-competitive outcomes over the long term. Also, comprehensive sector reviews will deepen the Commission's understanding of market dynamics, inform future antitrust or regulatory initiatives, and provide policymakers with a shared factual record in areas where reliable data are scarce.

3. Initiation of a Market Inquiry

- 3.1 As explained above, according to the Section 51B (1), the Executive Director may conduct a market inquiry where he has reasonable grounds for suspecting that any feature, or combination of features, of any market in Mauritius prevents, restricts, or distorts competition in connection with the supply or acquisition of any goods or services in Mauritius.
- 3.2 Reasonable grounds exist where information comes to the Executive Director's knowledge by any means, such as previous investigations of anticompetitive conduct, merger reviews, market monitoring activities, substantiated complaints or referrals from other public bodies, including where a third-party allegation has been received, indicating that such market features may exist or be emerging.
- 3.3 The decision to initiate or not to initiate a market inquiry shall be guided by the preliminary assessment and sector prioritization, as explained in the following sections. Such decision lies within the discretion of the Executive Director, who shall exercise such discretion in accordance with the objectives and powers conferred upon him under the Act, and in line with the principles, criteria, and procedural considerations set out in these Guidelines.

Preliminary assessment of an issue or concern

- 3.4 Before formally deciding to initiate a market inquiry, the Executive Director will normally undertake a preliminary and informal assessment phase to determine whether the sector or market under consideration is a suitable candidate for a market inquiry and whether it is the most appropriate tool for addressing the perceived competition concern⁵.
- 3.5 At this stage, the Executive Director may also consult with stakeholders⁶ (e.g. other public bodies) to gather additional views on the appropriateness of the market inquiry under consideration and to deepen the understanding of the sector and potential competition concerns⁷⁻⁸.

⁵ ICN Advocacy Working Group, Market Studies Good Practice Handbook. p. 9.

⁶ "For the purposes of this Handbook, 'stakeholder' means any corporate or natural individual, group of individuals (whether internal or external to the authority), organisation or group of organisations that has an interest in the market, or can affect and/or could be affected by the market and/or the issues that are the focus of the market study, and/or any outcomes that may come out of the study" ICN Advocacy Working Group, Market Studies Good Practice Handbook. p. 13. "Market study reports target diverse stakeholder groups, including, regulators and policymakers, government agencies, legal and business communities, consumer groups and the general public." Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

⁷ Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

⁸ ICN Advocacy Working Group, Market Studies Good Practice Handbook. p. 13.

3.6 This phase should begin with a clear articulation of the issue or concern within a specific sector or market, typically prompted by information gathered in previous investigations, stakeholder feedback, research from academics and think tanks, economic indicators, information provided by other public bodies (e.g. sector regulators), or internal market intelligence, among other sources of information⁹⁻¹⁰ (see Box 1A. Sources of Information for the Preliminary Assessment).

Box 1A: Sources of Information for Preliminary Assessment

| Sources of Information | Examples |
|------------------------------|--|
| Internal sources | Previous enforcement cases, merger reviews, complaints received, market monitoring |
| External stakeholders | Industry associations, consumer groups, academia, whistleblowers |
| Public bodies | Sector regulators, government ministries, parliamentary committees |
| Market data | Price trends, market concentration, profitability levels, entry/exit patterns |
| International sources | Similar market inquiries in other jurisdictions, World Bank, OECD reports |

3.7 In prioritizing competitive concerns, it is common to identify sectors that are significant to the economy and to consumers (see **Box 1B: Sector or Market Prioritization**).

3.8 The Executive Director will assess whether there are initial signs that competition may not be functioning effectively in the market¹¹ —for example, persistently high prices or low quality, low levels of switching, lack of market entries, limited innovation, or indications of regulatory barriers to entry, among others¹²⁻¹³.

⁹ CMA, Market Studies and Market Investigations: Supplemental guidance on the CMA’s approach, July 2017. ([link](#)) par. 1.8.

¹⁰ Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

¹¹ See Table 3 and Section 2.1. “Qualitative indicators for a country-level overview”, World Bank. 2025. The Markets and Competition Policy Assessment Toolkit. © World Bank. <http://hdl.handle.net/10986/42649> License: [CC BY-NC 3.0 IGO](#).

¹² OECD (2018), Market inquiry Guide for Competition Authorities 2018, ([link](#)), pp. 15-16.

¹³ Commerce Commission (New Zealand), Market Studies Guidelines, November 2020 ([link](#)). para. 20.

Box 1B: Sector or Market Prioritization

It is common to research and evaluate multiple sectors to identify those that are important to the economy, where the findings of a market inquiry could promote economic efficiency, adaptability, and provide consumers with more competitive products and greater choice¹⁴.

Where several candidate sectors have been identified, a number of strategic considerations may be applied before launching a market inquiry. These include¹⁵:

- **Sectors with a history of antitrust enforcement:** Where repeated competition infringements have been identified, a market inquiry can help to uncover underlying structural or behavioural factors that facilitate such conduct.
- **Economic relevance:** The relative importance of a sector to the wider economy may be considered, including its contribution to GDP, employment, total investment, or research and development expenditure. The sector's weight in consumer spending baskets may also be a relevant indicator, particularly where consumer welfare implications are substantial¹⁶.
- **Suitability of a market inquiry as the most appropriate instrument:** Sectors may be prioritized where the study constitutes the only viable mechanism to examine certain competition concerns that are systemic in nature and cannot be effectively addressed through firm-specific enforcement tools.
- **Sectors undergoing significant change:** Rapid structural, technological or regulatory developments may give rise to new or evolving competition risks. Conducting market inquiries in these sectors may assist in clarifying the Competition Commission's position on emerging commercial practices.
- **Sectors subject to regulatory frameworks not designed with competition in mind:** In markets where existing regulation, or the participation of state-owned enterprises, may inadvertently hinder competition, a market inquiry can serve as a basis for recommending pro-competitive regulatory adjustments or reforms.

¹⁴ Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

¹⁵ OECD (2018), Market inquiry Guide for Competition Authorities 2018, ([link](#)), pp. 15-16.

¹⁶ See Table 2 "Criteria to select priority sectors or markets for competition assessment", World Bank. 2025. The Markets and Competition Policy Assessment Toolkit. © World Bank. <http://hdl.handle.net/10986/42649> License: [CC BY-NC 3.0 IGO](#).

3.9 Once a potential issue has been identified, the Executive Director will evaluate whether a market inquiry is the most suitable approach. As explained, a market inquiry is particularly useful when the problem appears to be structural or systemic, involves multiple players, or cannot be linked to the conduct of specific firms.

3.10 Even when there is no clear violation of the Act but impediments to competition seem to exist within a sector or market, a market inquiry may be the appropriate tool to investigate those concerns. In particular, where obstacles to effective competition arise from legislation, regulations, public policies, structural barriers, or other factors that affect key aspects of market performance—such as pricing, output, market entry, advertising, switching behaviour, product diversity, or quality—a market inquiry allows the authority to assess the underlying causes and consider appropriate recommendations¹⁷.

Notice of Initiation of a Market Inquiry

3.11 After the preliminary assessment, for the commencement of a market inquiry, the Executive Director will issue a notice of initiation (“Notice of Initiation”). The Notice of Initiation serves as the formal and public announcement of the decision to launch the market inquiry and outlines its framework. The Notice of Initiation will be published on the Competition Commission’s website and may be communicated to relevant stakeholders¹⁸.

3.12 The Notice of Initiation shall contain the following elements:

- a. **Objective of the Inquiry:** A clear and concise statement of the main competition issues that the market inquiry will assess.
- b. **Background and Rationale for Prioritization:** A brief explanation of the reasons for initiating the study in the chosen sector, including references to any preliminary information and strategic considerations.
- c. **Scope of the Study:** A definition of the scope of the study, including the products or services covered, the relevant geographic market(s), and any initial theories of harm or features of interest that will be investigated¹⁹. The scope defined in the Notice of

¹⁷ Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

¹⁸ See National Economic Prosecutor (Chile), Internal Guidelines for the Conduct of Market Studies (May 2017), p. 9. ([link](#))

¹⁹ For examples of instruments that affect competition in domestic markets see: World Bank. 2025. The Markets and Competition Policy Assessment Toolkit. © World Bank. <http://hdl.handle.net/10986/42649> License: [CC BY-NC 3.0 IGO](#).

Initiation is intended to guide the study's focus but may be adjusted as necessary in light of new evidence or stakeholder input received during the course of the inquiry²⁰.

- d. **Timeline:** the timeline should include expected dates for: gathering information, Publication of Preliminary Report, final deadline for any stakeholder consultation process, consideration of responses to Preliminary Report, and the submission of the Final Report to the Commission.
 - e. **Invitation to Provide Submissions:** A call for evidence inviting stakeholders to provide relevant data, views, or documents. The notice shall specify the type of information being sought, the deadline for submissions, and the preferred format and contact details of the designated official or unit responsible for the study, including an email address, telephone number, and postal address for correspondence.
- 3.13 The Act does not prescribe a statutory timeframe for the completion of a market inquiry; accordingly, the duration of each market inquiry may vary on a case-to-case basis depending on sector being examined, scope of the inquiry, and nature or number of concerns identified. The timeframe will depend on factors such as the complexity of the issues involved and the number of stakeholders participating. The timely provision of information by third parties is essential to the efficient conduct of every market inquiry. The Competition Commission will nevertheless endeavour to complete market inquiries within 12-18 months from the Notice of Initiation, although complex market inquiries may require additional time.

²⁰ Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

4. Conducting a market inquiry

Information Gathering

4.1 To understand and define the market features, the Executive Director will need to gather information²¹ for different sources. For this purpose, the Executive Director may exercise the investigation powers set out under Section 52 of the Act.

4.2 The specific tools and approaches selected will depend on the nature of the market under inquiry, the complexity of the issues, and the availability of existing information. The main elements of the information-gathering strategy may include²²:

- **Background review:** The market inquiry will begin with a review of information already publicly available, including past enforcement files, previous market inquiries, complaints, and material published by domestic or foreign regulators.
- **Stakeholder engagement:** Using the powers set out under section 52 of the Act, the Executive Director will conduct interviews and written consultations with businesses, industry and consumer associations, regulators, and other knowledgeable parties. The market inquiry may also make use of third-party commercial datasets, web-scraping, or procurement of specialized market research to fill data gaps.
- **Sector regulators consultations:** To access sector-specific information and understand the regulatory framework and policy objectives, the Executive Director will engage with sector regulators and other relevant public bodies.
- **Surveys and consumer research:** Where market-wide evidence on consumer behaviour or attitudes is required the Executive Director may request relevant information from private parties. If such information is not available or insufficient, the Executive Director may commission surveys or focus groups, ensuring that sampling methods, questionnaire design and pilot testing meet internationally recognized quality standards²³.

Analysis of market features

4.3 During the course of a market inquiry, the Executive Director will identify competition issues through a clear articulation of any structural, behavioural, or regulatory issues, supported by quantitative data and qualitative insights.

²¹ Commerce Commission (New Zealand), Market Studies Guidelines, November 2020 ([link](#)). para. 61.

²² Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

²³ ICN Advocacy Working Group, Market Studies Good Practice Handbook. p. 17.

4.4 The Executive Director will use both quantitative and qualitative methods to assess competition in the market. Quantitative analysis—such as examining prices, sales volumes, market shares, costs, profit margins, number of users, consumer switching rates, international prices as benchmark, and other measurable data—can help identify trends, detect areas where competition may be weaker, and assess the effects of specific regulations or market structures. At the same time, qualitative insights drawn from interviews, stakeholder consultations, reports, and other sources will provide essential factors that may influence competition²⁴.

4.5 Key elements of the assessment include²⁵:

- **Market structure and dynamics:** Number of firms, market shares, concentration levels, entry and exit patterns, key competitors and their roles.
- **Regulatory and policy framework:** Review of applicable laws, regulations, and public interventions (e.g. price controls or import restrictions) that may affect market outcomes, listing all relevant regulations and evaluating whether they facilitate or hinder competition.
- **Potential barriers to entry:** Identify and assess legal, regulatory, economic, and strategic factors that may prevent or discourage new firms from entering the market or expanding.
- **Firm conduct and competitive behaviour:** Examine how firms compete in practice. Assessment of margins, cost structures, pricing strategies and non-price competition (e.g. product differentiation, innovation, and -where relevant- bidding behaviour).

4.6 Based on the above, the Executive Director will identify the feature, or combination of features that prevents, restricts, or distorts competition in connection with the supply or acquisition of any goods or services in Mauritius. This could be one or multiple competition issues or problems.

4.7 Each identified competition issue will be analyzed for root causes. This root-cause assessment will determine whether the problem stems from market structure, firm conduct, legal or regulatory constraints, lack of consumer switching, barriers to entry, lack of transparency, among others. The outcome of this assessment will guide the design of recommendations aimed at remedying, mitigating, or preventing the adverse effects on competition.

4.8 Any of these preliminary analysis and conclusions might be tested with experts, public bodies, relevant parties, and stakeholders more generally.

²⁴ Competition Bureau (Canada), Market Studies Information Bulletin, September 2018 ([link](#)).

²⁵ See Toolkit Item 10, World Bank. 2025. The Markets and Competition Policy Assessment Toolkit. © World Bank. <http://hdl.handle.net/10986/42649> License: [CC BY-NC 3.0 IGO](#).

- 4.9 t Consultants may also be appointed by virtue of Section 27 of the Act to advise or undertake competitive assessment for any market inquiry.
- 4.10 Whenever useful, international cooperation frameworks - such as bilateral or multilateral Memoranda of Understanding - may be used to enhance the economic and legal analysis of the market inquiry.

Formulating recommendations

- 4.11 If the Executive Director determines that any feature, or combination of features, of a market in Mauritius prevents, restricts, or distorts competition, he or she may, for the purpose of remedying, mitigating, or preventing the adverse effect on competition, include in the report submitted to the Commission any recommendation deemed appropriate to the concerned authority with respect to changes to policy, laws, regulations, or competition matters (see **Box 2: Examples of Recommendations**).
- 4.12 In formulating these recommendations, the Executive Director shall consider their proportionality, feasibility, and expected impact, and may consult with relevant stakeholders to test their effectiveness and promote voluntary compliance. The final recommendations will reflect a balanced and evidence-based approach, with the objective of improving market performance without the use of binding remedies.

Box 2: Examples of Recommendations

The following are examples of recommendations that the Executive Director may consider:

Legislative, Regulatory, and Public-Policy Measures

- **Removal of entry barriers** (e.g. licensing quotas, discriminatory standards, limitations on bidder participation, or restrictive zoning rules).
- **Elimination or amendment of other regulatory provisions that unnecessarily restrict competition**, including those that favour state-owned enterprises, enhancing competitive neutrality.
- **Reform of concession and public procurement procedures** to ensure open, transparent, and competitive tendering.
- **Reform of concession duration** to ensure that an adequate time horizon reflects the expected time to recoup private investment.
- **Revision of policies that limit private-sector participation** in markets traditionally reserved for public operators, where greater contestability would benefit consumers.
- **Regulatory responses to business practices that hinder consumer switching**, such as recommendations for regulatory reform (e.g., rules that facilitate switching), or recommendations for a public body to undertake advocacy, education, or information campaigns.

Market-Conduct Recommendations and Competition-Enforcement

- **Open an investigation.** According to Section 51B (10), nothing in Section 51B shall limit the power of the Executive Director to open an investigation under section 51 at any time during or after the market inquiry in accordance with the Act on the basis of information obtained during the market inquiry.

Monitoring and Follow-up

- **Signals of future enforcement priorities**, highlighting conduct or market conditions that will receive increased scrutiny.
- **Setting a timetable for monitoring** the implementation of recommendations.

Additionally, it is relevant to consider that the Executive Director may always conclude that there are no features in the assessed market that prevent, restrict, or distort competition which would preclude the need to make recommendations in the Final Report.

Publication of the Preliminary Report

- 4.13 Based on his assessment, the Executive Director shall prepare a **Preliminary Report** setting out the provisional findings and recommendations of the market inquiry.
- 4.14 The Preliminary Report shall include a summary of the evidence collected, the analysis conducted, and the conclusions reached in relation to each feature, or combination of features, of any market in Mauritius that prevents, restricts, or distorts competition in connection with the supply or acquisition of any goods or services.
- 4.15 As previously noted, the scope set out in the Notice of Initiation is intended to provide initial direction for the study, but may be revised, where appropriate, to reflect new evidence gathered during the market inquiry. Accordingly, the Preliminary Report may also assess additional market features that were not originally identified in the Notice of Initiation but are found to be relevant during the market inquiry.
- 4.16 The Preliminary Report will as far as possible also outline any potential recommendations under consideration aimed at addressing the competition issues identified²⁶.
- 4.17 The Executive Director will invite any interested party to submit written comments to the Preliminary Report within a period of no less than 21 business days. These comments may include feedback on the content of the report and, where applicable, reasons why the provisional findings or recommendations should not be made final. If the party submitting comments expressly authorizes publication, the Executive Director may post the submission on the Competition Commission's website.
- 4.18 The Preliminary Report shall, after considering and addressing confidentiality issues, be published on the Competition Commission's website to enable stakeholder consultation, allowing interested parties to submit comments, provide clarifications, or raise concerns before the findings are finalized in a final report. Where appropriate, the Executive Director may also consider convening a workshop or roundtable discussion with stakeholders after receiving submissions and prior to issuing the Final Report.
- 4.19 According to Section 51B(9) of the Act, the Executive Director may omit from the published report any information that was provided in the course of the market inquiry solely on the basis of a confidentiality undertaking. This consideration will also apply to the Final Report.

²⁶ "Early consultation with market participants can be helpful in testing potential market inquiry outcomes and remedies. Stakeholders can also be helpful in proactively identifying potential solutions to competition problems in the sector, which can then be assessed by the market inquiry team for their likely effectiveness." OECD (2018), Market inquiry Guide for Competition Authorities 2018, ([link](#)), p. 23.

5. Review and publication of the Final Report

- 5.1 Upon the expiry of the consultation period for the Preliminary Report, the Executive Director shall review and evaluate any submission received. Each comment will be assessed on its relevance, evidentiary weight, and consistency with the objectives of the market inquiry and the principles set out in these Guidelines.
- 5.2 Having considered the submissions, the Executive Director may refine the findings, analysis, and proposed recommendations, as appropriate, and will then prepare a final report ("Final Report"). The Final Report will summarize the stakeholder input, explain how the comments were taken into account, and set out the Executive Director's definitive conclusions and recommendations.
- 5.3 After the completion of the market inquiry, the Executive Director shall submit the Final Report to the Competition Commission for review and adoption as per section 51B (5) of the Competition Act.

Review by the Commission

- 5.4 The Commission shall review the Final Report and either adopt the report or, if it has reason to do so, request the Executive Director to review and reconsider any particular part of the report and prepare it for resubmission.
- 5.5 If, considering the findings presented, the Commission determines that any feature, or combination of features, of a market in Mauritius prevents, restricts, or distorts competition, it may issue additional recommendations deemed appropriate to the concerned authorities for the purpose of remedying, mitigating, or preventing the adverse effects identified. These recommendations may relate to changes in policy, laws, regulations, or competition matters more broadly.

Publication of the Final Report

- 5.6 In accordance with section 51B (8) of the Competition Act, the Final Report adopted by the Commission, together with any recommendations issued under section 51B (7), shall be published on the Competition Commission's website.

Advocacy and monitoring of the Final Report

- 5.7 Where appropriate, additional dissemination measures—such as press releases, public presentations, or targeted communication to stakeholders and sector-specific bodies—may be undertaken to raise awareness of the findings and promote the implementation of the recommendations.

5.8 Following the publication of the Final Report, the Executive Director may establish a mechanism to monitor the implementation status of its recommendations.