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<p><b>The Competition Commission publishes its Guidelines on Market Inquiries</b></p>		

The Competition Commission has today issued its Guidelines on Market Inquiries (CC 8 Guidelines) following the recent amendment to the Competition Act 2007 (the Act) to include a new Section 51B – Market Inquiries.

Market inquiries are broader in scope than investigations into restrictive business practices under the Act which focus on a specific conduct of enterprises or an agreement between enterprises such as abuse of dominance, harmful mergers and cartels. Through a market inquiry, the Competition Commission can identify competition concerns arising from overall market features, including structure, the regulatory environment and general conduct of operators. Like investigations, the powers granted for the conduct of market inquiries are strong and formal, enabling the Competition Commission to formally engage with businesses, regulators, and other stakeholders. This ensures that market inquiries produce accurate and thorough findings for evidence-based policy recommendations or enforcement actions.

The CC 8 Guidelines provides the operational framework for the conduct of market inquiries by the Competition Commission. These Guidelines have been issued in pursuance to Section 38(c) of the Act) which requires that the CC should specify the procedures which it shall follow when carrying out its functions under the Act. The Guidelines serve as the manual for applying Section 51B with transparency and procedural fairness.

Mr. Vipin Naugah, the Executive Director of CC, highlighted the importance of market inquiries in addressing broader competition issues stating that “competition authorities in many other jurisdictions, including the United Kingdom, India, South Africa and Kenya, have been using market inquiries, also referred to as market investigations, to address structural and regulatory competition issues in the various sectors to boost rivalry among operators and thus bring significant benefits for consumers. The recent amendment to the Competition Act 2007 to include market inquiries in its enforcement toolkit is in line with international best practices which enhances the Competition Commission’s ability to enforce competition law more vigorously in public interest.”

He added that “the Guidelines on Market Inquiries sets out the framework to be adopted by the Competition Commission in conducting market inquiries. It thus sets out the procedural safeguards and provides predictability and transparency for the various stakeholders. Amongst others, the

Guidelines clearly outlines the initiation threshold, information gathering and assessment framework, and engagement procedure with stakeholders, including mandatory consultation on findings and recommendations. Hence, ensuring that our process follows the rule of law.”

The CC 8 Guidelines can be found [here](#) . Stakeholders may contact us by phone on 211-2005 or email at [info@competitioncommission.mu](mailto:info@competitioncommission.mu) for more information.