



TTFTC

TRINIDAD AND TOBAGO FAIR TRADING COMMISSION

PUBLIC NOTICE

The **Trinidad and Tobago Fair Trading Commission (TTFTC)** is an Independent Statutory Agency responsible for promoting and maintaining fair competition in the economy pursuant to the Fair Trading Act Chapter 81:13.

According to Section 5 (1) of the Fair Trading Act, the TTFTC is required, among other things, to carry out **investigations in relation to the conduct of business and enable it to determine whether any enterprise is engaging in business practices in contravention of this Act.**

The TTFTC wishes to remind the public that pursuant to Part III of the Fair Trading Act an enterprise is considered as having monopoly power if it controls at least 40 percent (40%) of a particular market.

Enterprises having monopoly power have a special responsibility not to allow their conduct to impair or distort competition and an enterprise will be considered to have acted in contravention of the Fair Trading Act if it abuses its monopoly power.

Examples of practices that may constitute an abuse of monopoly power include:-
restricting the entry of any person into that or any other market;

- ▶ preventing or deterring any person from engaging in competitive conduct in that or any other market;
- ▶ eliminating or removing any person from that or any other market;
- ▶ directly or indirectly imposing unfair purchase or selling prices;
- ▶ limiting the production of goods or services to the prejudice of consumers;
- ▶ making the conclusion of agreements subject to acceptance by other parties of unconnected supplementary obligations;
- ▶ engaging in exclusive dealing;
- ▶ engaging in market restriction; or
- ▶ engaging in tied selling.

Where the TTFTC believes that an enterprise that has monopoly power is abusing that power, the TTFTC will initiate an investigation into the matter and if evidence of abuse is found the enterprise will be requested to cease the abusive conduct within a six month period, failing which the TTFTC will make an application to the High Court requesting that the Court impose the appropriate remedies which may include the imposition of fines and/or other penalties.

The TTFTC stands ready to provide guidance, cooperate with and assist any enterprise, wishing to develop and promote the observance of standards of conduct that are in compliance with the provisions of the Fair Trading Act.