

Memorandum of Understanding

Between

**Competition Commission of South Africa, a statutory body established under the
Competition Act no.89 of 1998**

And

**Barbados Fair Trading Commission, a statutory body established under the Fair Trading
Commission Act (Cap. 326B)**

Concerning

Cooperation in the field of competition law and enforcement

- (e) "Law" means the provisions of the law applicable to each Party, and includes any other regulatory requirements or guidelines that are within the competence of a Party;
- (f) "Anticompetitive activities" means any activities that may be subject to a prohibition, sanction or other relief measure by competition authorities under the competition laws that are administered by one of the Parties or both Parties;
- (g) "Enforcement activities" means any application of competition laws by way of investigation or proceedings conducted by the Party;
- (h) "Information obtained by investigative process" means any information obtained by a Party using its formal investigative rights or submitted to a Party pursuant to a legal obligation;
- (i) "Person" means a natural person, body corporate, partnership, or unincorporated association, government or political subdivision, agency or instrumentality of a government;
- (j) "Requested Party" means the Party to whom a request is made pursuant to this Agreement;
- (k) "Requesting Party" means a Party making a request under this Agreement.

3. Scope of Cooperation

3.1 Subject to available resources and subject to the respective laws governing the Parties, the Parties will cooperate by:

- (a) exchanging policies, laws, rules, as well as non-confidential information regarding the progress of legislation and enforcement in the competition field;
- (b) organising joint studies for the purpose of providing common knowledge on competition issues;
- (c) promoting the participation in international conferences, seminars and other relevant events on competition issues organised by the Parties;
- (d) cooperating and coordinating with each other if necessary and under reasonable circumstances, subject to their respective laws, in investigations or enforcement proceedings pertaining to violation of competition laws in their respective jurisdictions ; and
- (e) any other means as may be agreed upon in writing by the Parties.

6.3 The Parties will endeavour to discuss between them any questions arising from the implementation of the present Memorandum of Understanding, including questions on the interpretation or application of the present Memorandum of Understanding in as timely a manner as circumstances permit.

7. Exchange of Information

7.1 Where one Party has non-confidential information that may assist the other Party to perform its regulatory functions, the former may provide such information, or arrange for such information to be provided fully and freely, to the extent permitted by law even though the other Party has made no request. The terms and conditions of this Memorandum of Understanding will apply regardless of whether the providing Party specifies that it is passing the information under this Memorandum of Agreement, unless expressly stated otherwise in writing.

7.2 In order to achieve the purpose of this Memorandum of Understanding the Parties may share views and exchange non-confidential information related to the application of their respective competition laws.

7.3 The Parties may discuss any non-confidential information, including non-confidential information obtained by investigative process, as necessary to carry out the cooperation and coordination provided for under this Memorandum of Understanding.

7.4 The Parties may only transmit confidential information in their possession to each other when the undertaking or firm which provided or is the owner of the confidential information has given its express consent in writing. In addition, when such information contains personal data, this personal data may only be transmitted if it is permitted in terms of the laws of the respective Parties which deal with the protection of personal data.

7.5 Neither Party is required to discuss or transmit information obtained by investigative process to the other Party, in particular if it would be incompatible with its important interests or unduly burdensome.

7.6 The Parties shall not discuss, request or transmit information obtained by investigative process if using such information would be prohibited under the procedural rights and privileges guaranteed under the respective laws of the Parties for their enforcement activities, including the right against self-incrimination and the legal professional privilege.


7.7 The Parties shall ensure the protection of personal data in accordance with their respective legislations.

IN WITNESS whereof the Parties have executed the Memorandum of Understanding by their duly authorised Signatories on the date set out below.

SIGNED this day of 2021.

For and On Behalf of

COMPETITION COMMISSION OF SOUTH AFRICA



SIGNED this **21st** day of **October** 2021.

For and On Behalf of

FAIR TRADING COMMISSION (BARBADOS)