

ANNEX A**PROPOSED GUIDELINES¹****1. *The Major Provisions***

- The Commission
 - Functions and duties of the Commission
 - Co-operation between Commission and other regulatory authorities on competition matters
- Scope of Application
 - Government and statutory bodies etc.
 - Extra-territorial application
- Section 34 Prohibition – Agreements, etc., Preventing, Restricting or Distorting Competition
- Section 47 Prohibition – Abuse of Dominant Position
- Section 54 Prohibition – Mergers
- Third Schedule – Exclusions from section 34 prohibition and section 47 prohibition
- Fourth Schedule – Exclusions from section 54 prohibition
- Procedures
- Confidentiality and disclosure of information
- Investigation and enforcement
- Consequences of infringement
- Appeal procedures
- Rights of private action

¹ This is an indicative list of the guidelines, and proposed scope, to be developed by the Commission in the course of 2005.

2. *The Section 34 Prohibition – Agreements, etc., Preventing, Restricting or Distorting Competition*

- What is meant by:
 - Undertaking
 - Agreement
 - Decision by association of undertakings
 - Concerted practice
 - Prevention, restriction or distortion of competition
- Appreciable adverse effect
- Examples of anti-competitive agreement
- Excluded agreements
- Vertical agreements
- Block exemptions
- Consequences of infringement

3. *The Section 47 Prohibition – Abuse of Dominant Position*

- What is meant by:
 - Undertaking
 - Dominance
 - Abuse of dominant position
- Examples of abuse of dominant position
- Exclusions
- Consequences of infringement

4. *Market Definition*

- Market definition
 - Product market
 - Geographic market
 - Relevant market

5. *Powers of Investigation*

- Trigger for the use of the powers of investigation
- Production of specified documents and information
- Power to enter premises without a warrant
- Power to enter premises with a warrant
- Offences created by the Competition Act relating to the powers of investigation

6. *Enforcement*

- Interim measures/directions
- Decisions
- Sanctions
- Leniency programmes

7. *Transitional Arrangements*

- Phased approach
- Procedures

8. *Cross-sectoral Competition Case Management*

- Procedural guidelines on co-operation between the Commission and other regulatory authorities on competition matters
- Confidentiality and disclosure of information

9. *Treatment of Intellectual Property Rights***10. *The Section 54 Prohibition - Mergers (To be developed in 2006)***