

## **JOB DESCRIPTION**

### **CARICOM Competition Commission**

Commissioners may be required to carry out functions that are both investigative and adjudicatory. They will also have monitoring and advocacy responsibilities in addition to administrative oversight and supervision of the Commission Secretariat. The Functions of the Commission are comprehensively set out in Article 173 of the Treaty of Chaguaramas:

1. The Commission shall:-
  - (a) apply the rules of competition in respect of anticompetitive cross-border business conduct;
  - (b) promote and protect competition in the Community and coordinate the implementation of the Community Competition Policy; and
  - (c) perform any other function conferred on it by any competent body of the Community.
2. In discharging the functions set out in paragraph 1, the Commission shall:-
  - (a) Monitor anti-competitive practices of enterprises operating in the CSME, and investigate and arbitrate cross-border disputes;
  - (b) Keep the community competition policy under review and advise and make recommendations to COTED to enhance its effectiveness;
  - (c) promote the establishment of institutions and the development and implementation of harmonized competition laws and practices by the Member States to achieve uniformity in the administration of applicable rules;
  - (d) review the progress made by the Member States in the implementation of the legal and institutional framework for enforcement;

- (e) co-operate with competent authorities in the Member States;
- (f) promoting the protecting consumer welfare;
- (g) facilitate the exchange of relevant provide support to the Member States in information and expertise; and
- (g) develop and disseminate information about competition policy, and consumer protection policy. "

**Strategic duties and responsibilities:**

- Setting the strategic direction and the approach of the Commission to policy, prioritisation, enforcement, selection of cases and directing the Executive Director and officers of the Commission on these matters.
- Supervising the general management functions of the Executive Director in all aspects of the work of the Commission.
- Jointly overseeing the financial affairs of the Commission and ensuring that the Executive Director has proper procedures in place for accounting and financial control.
- Collaborating with national competition authorities and other relevant entities.
- Consideration and approval of recommendations and advice to COTED on methods for the enhancement of competition policy and rules.
- Informing the public on competition and consumer protection issues within the Single Market.
- Making recommendations to the Council for Trade and Economic Development (COTED) and cooperating with national competition authorities in Member States in developing policies on competition and consumer protection.

**Investigative duties and responsibilities:**

Duties and responsibilities of Commissioners exercising investigative functions are guided by Articles 174 (2), 175 and 176 of the Treaty and include determining whether an enquiry or investigation should be pursued, summoning and examining witnesses under oath and administering oaths; directing the Executive Director and staff on the commencement and conduct of investigations; consulting with interested parties and Member States on investigations.

**Adjudicatory duties and responsibilities include:**

The duties and responsibilities of Commissioners exercising adjudicatory functions centre on determining whether a party or enterprise is engaged in anti-competitive business conduct in respect of cross-border transactions or transactions with crossborder effects. These functions include o hearing submissions and reviewing oral and documentary evidence presented by persons affected by an enquiry and ensuring that all issues are dealt with at the hearings; summoning and examining witnesses under oath and administering oaths; determining compatibility of business conduct with the rules of competition and other related provisions of the Treaty; determining the existence and abuse of dominant market positions; directing steps necessary to overcome the abuse of dominance; ordering the termination or nullification of prohibited agreements, conduct, activities or decision; ordering payment of compensation to affected persons; imposing fines for breaches of the rules of competition; ruling on applications by Member States for negative clearance; approving, directing and overseeing the Commission's applications to the Court for enforcement of orders and directions of the Commission as necessary; and drafting and publishing detailed reasons for decisions, rulings and judgments.

**General duties and responsibilities:**

- A Commissioner who participates in or directs an investigation into a particular matter may not form part of the Commission constituted to perform any adjudicatory function in connection with the same matter.
- The Commission is required to operate independently and impartially maintaining high standards of competency. The collective duties of Commissioners are to ensure the Commission acts consistently with its objectives and that the Commission's functions are performed efficiently and effectively.

**Chairman:**

Pursuant to Article 172 of the Treaty, The Regional Judicial and Legal Services Commission shall appoint a Chairman from among the members so appointed to be Commissioners.

The Chairman of the Commission will be responsible for the overall strategic direction, performance and leadership of the Commission. He must ensure that the Commission operates within its legal mandate and authority and he has particular responsibility for efficient assignment of cases to member(s) and implementation of effective case-management processes; constituting panels of members to hear and determine matters; providing advice to the RJLSC on the performance of Commissioners; and participating in national and international fora and liaising with external authorities and bodies relevant to the work of the Commission.

The Chairman will work closely with the Executive Director, who will be responsible for the day to day management of the Commission, the Chairman will endeavour to ensure by his support and advice that the Executive Director executes and implements the decisions of the Commission.

The Chairman also performs the functions of Commissioner.