

**FORM 2 - AGREEMENTS AFFECTING COMPETITION-**

**To the Fiji Commerce Commission:**

**Application is hereby made under sub-section 129A(1) of the Decree for an authorization under that sub-section**

**\*to make a contract or arrangement, or arrive at an understanding, a provision of the contract, arrangement or understanding would be, or might be, would have or might have the effect, of substantially lessening competition within the meaning of section 27 of the Fair Trading Decree; or**

**\*to give effect to a provision of a contract, arrangement or understanding which the purpose, or has or may have the effect, of substantially lessening competition within the meaning of section 27 of the Fair Trading Decree.**

**\*(Strike out whichever is not applicable)**

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**(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)**

**1. (a) Name of applicant.....**  
.....

*(See Direction 2 on the back of this Form)*

**(a) Short description of business carried on by applicant-**  
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**(b) Address in Fiji for service of documents on the applicant-**  
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**2. (a) Brief description of contract, arrangement or understanding and, where already made, its date-**

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**(a) Names and addresses of other parties or proposed parties to contract, arrangement or understanding-**  
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**3. Names and addresses (where known) of parties and other persons on whose behalf application is made-**

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**4. (a) Grounds for grant of authorization-**

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**5. This application for authorization may be expressed to be made also in relation to other contracts, arrangements or understandings or proposed contracts, arrangements or understandings, that are or will be in similar terms to the above-mentioned contract, arrangement or understanding.**

**(a) Is this application to be so expressed?**

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**(b) If so, the following information is to be furnished:**

**(i) the names of the parties to each other contract, arrangement or understanding.....**

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**(ii) the names of the parties to each other proposed contract, arrangement or understanding which names are known at the date of this application**

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**1. (a) Does this application deal with a matter relating to a joint venture (see section 28(2) of the Decree?**

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**(b) If so are any other applications being made simultaneously with this application in relation to that joint venture?**

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**( c) If so, by whom or on whose behalf are those other applications being made?**

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**7. Name and address of person authorized by the applicant to provide additional information in relation to this application**

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**Date.....20..... Signed by/on behalf of the applicant**

.....(Signature)

.....(Full Name)

.....(Description)

**DIRECTIONS**

- 1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.**
- 2. Where the application is made by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the application and the application is to be signed by a person authorized by the corporation to do so.**
- 3. In item 1(b), describe that part of the applicant's business relating to the subject matter of the contract, arrangement or understanding in respect of which the application is made.**
- 4. Furnish with the application particulars of the contract, arrangement or understanding in respect of which the authorization is sought. Those particulars shall be submitted—**
  - (a) in so far as the particulars or any of them have been reduced to writing – by lodging a true copy of the writing and**
  - (b) in so far as the particulars of any of them have been reduced to writing – by lodging a memorandum containing a full and correct statement of the particulars that have not been reduced to writing;**
- 5. Where the application is made also in respect of other contracts, arrangement or understandings which are or will be in similar terms to the contract, arrangement or understanding referred to in item 2, furnish with the application details of the manner in which those contracts, arrangements or understandings vary in their terms from the contract, arrangement or understanding referred to in item 2.**

**NOTICES**

- 1. In relation to item 4, your attention is drawn to sub-section 129C(5) and (6) of the Decree which provides as follows:  
“(5) The Commission shall not make a determination granting an authorization under sub-section 129A(1), (2) or (5) in respect of a provision (not being a provision that is or may be exclusionary provision) of a proposed contract, arrangement or understanding in respect of a proposed covenant or in respect of proposed conduct, unless it is satisfied in all the circumstances that the provision of the proposed contract, arrangement or, understanding, the proposed covenant, or the proposed conduct, as the case may be, would result, or be likely to result, in a benefit to the public and that benefit would**

**outweigh the detriment to the public constituted by any lessening of competition that would result, or be likely to result, if –**

- (a) the proposed contract or arrangement were made, or the proposed understanding were arrived at, and the provision concerned were given effect to;**
- (b) the proposed covenant were given, and were complied with; or**
- (c) the proposed conduct were engaged in, as the case may be.**

**“(6) The Commission shall not make a determination granting an authorization under sub-section 129A(1) or (2) in respect of a provision (not being a provision that is or may be an exclusionary provision) of a contract, arrangement or understanding or, in respect of a covenant, unless it is satisfied in all the circumstances that the provision of the contract, arrangement or understanding, or the covenant, as the case may be, has resulted, or is likely to result, in a benefit to the public and that benefit outweighs or would outweigh the detriment to the public constituted by any lessening of competition that had resulted, or is likely to result, from giving effect to the provision or complying with the covenant.”.**

If an authorization is granted in respect of a proposed contract, arrangement or Understanding the names of the parties to which are not known at the date of application, the authorization shall, by sub-section 129A (3) of the Fair Trading Amendment Act 1998, be deemed to be expressed to be subject to a condition that any party to the contract, arrangement or understanding will, when so required by the Commission, furnish to the Commission the names of all the parties to the contract, arrangement or understanding