

**FORM NO 5 - EXCLUSIVE DEALING:**

**To the Fiji Commerce Commission:**

**Application is hereby made under sub-section 129A(5) of the Decree for an authorization under that sub-section to engage in conduct that constitutes or may constitute the practice of exclusive dealing.**

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

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

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

**(b) Short description of business carried on by applicant-**

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**(a) Address in Fiji for service of documents on the applicant-**

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**2. (a) Description of the goods or services in relation to the supply or acquisition of which this application relates –**

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**(b) Description of the conduct that would or may constitute the practice of exclusive dealing-**

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**(See Direction 4 on back of this Form)**

**3. (a) Class or classes of persons to which the conduct relates**

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**(b) Number of those persons -**

**(i) At present time**

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**(ii) Estimated within the next year**

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**(c) Where number of persons stated in item 3(b)(I) is less than 50, their names and addresses-**

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

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**(b) Facts and contentions relied upon in support of those grounds**

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(See Notice on the back of this Form)

**5. 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**

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**(Signature)**

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**(Full Name)**

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**(Description)**

[Back of Form]

**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 in the course of which the conduct is engaged in.**
- 4. Where particulars of a condition or of a reason of the type referred to in subsection 47(2) to (9) (inclusive) of the Trade Practices Act 1974 have been educed in whole or in part to writing, a copy of the writing is to be furnished with the application.**
- 5. In item 3(a), describe the nature of the business carried on by the persons referred to therein.**
- 6. In item 3(b)(ii), state an estimate of the highest number of persons with whom the applicant is likely to deal in the course of engaging in the conduct at any time during the next year.**

NOTICE

In relation to item 4, your attention is drawn to sub-section 129 C(5) of the Decree which provides as follows:

**“(5) The Commission shall not make a determination granting an authorization**

**not being a provision that ins or may be an exclusionary provision) of a proposed contract, arrangement or understanding, in respect of a proposed covenant, or the 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 t e public and that the benefit would outweigh the detriment to the public constituted by any lessening of competition that would result, or would 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 by be”.**