

Competition Guideline: Investigation Procedures

What this guideline is about

The Competition (Jersey) Law 2005 (the **Law**) aims to promote competition between businesses in Jersey. The Jersey Competition Regulatory Authority (the **JCRA**) is responsible for the enforcement of the Law.

This guideline is designed to explain to businesses the provisions in Part 5 of the Law which relate to investigations under the Law. You should read these guidelines if:

- Your business is being investigated by us under the Law
- You have reported a concern regarding anti-competitive practices in Jersey
- You are assisting us with a competition investigation
- You are an adviser to any business involved with us in the ways described above.

This guideline represents our practice as at the date of publication. It may be revised from time to time to reflect changes in best practice and our developing experience in assessing and investigating suspected breaches.

This guideline should not be relied on as a substitute for the Law itself. If you have any doubts about your position under the Law, you should seek legal advice.

All other competition guidelines can be found here: [Legislation and Guidelines | JCRA](#).

Contents

1. Approach to investigations and decision-making.....	3
2. The legal framework	5
The JCRA	5
The Law.....	5
Power to investigate	5
3. Investigation sources.....	6
Voluntary and publicly available information	6
Ministerial Request.....	6
Formal complainant	6
4. Preliminary Assessment	7
5. Opening a formal investigation.....	9
6. Conducting the investigation: information gathering	10
7. Taking urgent action (interim measures)	12
8. Investigation outcomes	14
Administrative priorities	14
Issuing a no grounds for action decision	14
Accepting commitments on future conduct	15
9. The draft decision	18
Access to the file.....	18
Right to reply.....	19
10. The final decision	20
11. The right of appeal.....	22
12. Complaints about investigation handling	23
Annex 1: Information required in a written, reasoned complaint	24

1. Approach to investigations and decision-making

This section sets out the JCRA's approach to conducting investigations and issuing related decisions. It provides guidance on the JCRA's engagement with the subject(s) of an investigation, formal complainants, and third parties, as well as its processes for gathering information, publishing material, and handling confidential information.

Fair, transparent and efficient

The JCRA seeks to ensure its investigations are conducted in a fair, transparent, and efficient manner. To this end, the JCRA will:

- Engage with the subjects of an investigation and any other relevant persons at an early stage, ensuring that they have appropriate opportunities to make representations.
- Inform the subject of an investigation and any other involved persons, including complainants, when key milestones are reached.
- Where appropriate, publish announcements on its website when an investigation is opened and provide updates as key milestones occur.

The JCRA will keep investigation subjects informed of the progress of its inquiries. This may include meeting with the subject(s), formal complainants, or other third parties, and/or issuing public updates. Any updates will be provided at appropriate milestones, determined on a case-by-case basis, considering the nature and circumstances of the investigation and its stage of development.

Confidential

The JCRA is mindful of its statutory responsibilities to preserve the confidentiality of information disclosed to it under the Law. The JCRA will comply fully with its legal obligations when determining whether, and to what extent, any information obtained in the course of an investigation may be published or otherwise disclosed.

Open mind

The opening of an investigation does not imply that the JCRA has determined a contravention of the Law has occurred. The purpose of the investigation is to establish the

relevant facts before deciding what further action, if any, is required and, if so, the nature of that action.

Impact and timescales

The JCRA recognises that an investigation can be stressful for individuals and disruptive for businesses. The JCRA will therefore only initiate investigations when necessary and will conduct them for no longer than is required. It will progress its investigations in a timely manner and will conclude them as soon as reasonably practicable. Where it becomes clear that an investigation no longer needs to continue, the JCRA will bring it to an end promptly.

The JCRA will keep the party or parties subject to an investigation informed of its progress and of the anticipated timeframes for completing the formal investigation. Depending on the nature of the matter under investigation, updates may also be published on the JCRA's website.

2. The legal framework

The legal framework governing the investigation and enforcement of suspected breaches of the Law is summarised below.

The JCRA

The JCRA is an independent body established under the Competition Regulatory Authority (Jersey) Law 2001. It is a statutory authority responsible for the administration and enforcement of the Law. The JCRA operates independently of the Government of Jersey and regulates its own procedures.

The Law

The Law prohibits agreements, decisions of associations of undertakings, and concerted practices¹ that have as their object or effect the prevention, restriction, or distortion of competition in a market to an appreciable extent². The Law also prohibits conduct that constitutes an abuse of dominant position³, as well as the implementation of certain mergers or acquisitions without the prior approval⁴ of the JCRA.

Power to investigate

The Law provides the JCRA with powers to investigate businesses where a breach of the Law⁵ is suspected. The JCRA may issue a written notice requiring businesses to produce relevant information or documents in their possession⁶. It may also order that offending agreements or conduct be ended and impose financial penalties on businesses and individuals for breaches⁷ of the Law. The JCRA does not have the power to conduct unannounced inspections or ‘spot checks’ to verify compliance. It is the responsibility of individual businesses to ensure that they comply with the Law.

¹ [Guideline 1 - Anti-Competitive Arrangements | JCRA](#)

² Article 8 of the *Competition (Jersey) Law 2005*

³ Article 16 of the *Competition (Jersey) Law 2005*

⁴ Article 20 of the *Competition (Jersey) Law 2005*

⁵ Article 26 of the *Competition (Jersey) Law 2005*

⁶ Article 27 of the *Competition (Jersey) Law 2005*

⁷ Part 6 of the *Competition (Jersey) Law 2005*

3. Investigation sources

Under the Law, the JCRA has power to conduct investigations where it has “reasonable cause to suspect” that a business has breached, or intends to breach, the Law. Whether reasonable cause to suspect exists is determined by the JCRA’s assessment of the information available to it. Such information may be obtained from a variety of sources.

Voluntary and publicly available information

Information on potential infringements may arise from complaints received by the JCRA from leniency applicants providing details of possible cartel activity, or from other sources that come to the JCRA’s attention, including media reports and publicly available information.

Ministerial Request

The JCRA may also conduct an investigation where it has reasonable cause to do so to comply with a request from a Minister for a report, advice, assistance, or information⁸.

Formal complainant

Under certain circumstances, the JCRA may grant Formal Complainant status to a party that brings alleged anticompetitive conduct to its attention.

Where such status is granted, it is expected that the party will be able to provide information capable of assisting the JCRA in its investigation. Accordingly, there is a presumption that a Formal Complainant will be consulted at key stages of the investigative process.

Formal Complainant status will be granted to a party that:

- requests such status; and
- has submitted a reasoned, formal complaint containing the information specified in Annex 1 to this Guideline; and
- has interests that are likely to be materially affected by the alleged conduct under investigation.

A Formal Complainant must provide a non-confidential version of its complaint. The JCRA may disclose this version to the parties under investigation where it considers such

⁸ Article 26(2) of the Law.

disclosure necessary to safeguard their rights of defence. Where a Formal Complainant does not wish its identity to be disclosed to the parties under investigation, it may take representations explaining why its identity should remain confidential.

Anonymity

The JCRA will seek to preserve the anonymity of any party to an investigation to the extent that it is practical and compatible with the investigation process and, in particular, the Parties to an investigation may include the subject(s) of the investigation, the formal complainant and any other parties who have assisted the investigation, e.g. parties in possession of relevant information.

Circumstances where the JCRA determines that the anonymity must be waived may include to ensure the rights of defence for the parties under investigation (see section 9) or because it is no longer possible/practicable to do so to enable the investigative or decision-making processes to continue/conclude.

The relevant party will be informed prior to disclosure. The party will be informed of the reason why and the information to be shared.

4. Preliminary Assessment

The preliminary assessment constitutes the initial stage of the investigation process. Its purpose is to evaluate the likelihood that a breach of the law or a licence condition may have occurred and to determine whether the initiation of a full investigation is warranted.

Conducting the preliminary assessment

The information assessed at this stage may be drawn from a range of sources and is typically provided on a voluntary basis. The timeframe for completing a preliminary assessment will vary depending on several factors, including:

- The availability and quality of relevant information.
- Timing and resourcing implications.
- The complexity of the issues involved; and
- The level of perceived risk.

Outcome of the preliminary assessment

If the preliminary assessment indicates that a contravention may have occurred, the JCRA will, having regard to its Prioritisation Principles⁹, determine whether to open a formal investigation. Even where the preliminary assessment suggests a contravention, the JCRA may nonetheless decide not to commence an investigation or may defer its initiation.

The JCRA's decision to commence an investigation will depend on a range of factors, including the gravity of the conduct, the actual or potential harm arising from it, the apparent urgency of the matter (including any ongoing risk), the resources available to the JCRA, and whether an alternative mechanism may be more appropriate for resolving the issue.

Alternative Resolution

In certain cases, the JCRA may seek to resolve an issue without initiating a formal investigation. This may occur, for example, where the JCRA is satisfied that the subject has taken, or has provided credible assurances that it will take, appropriate steps to address the concerns identified, such that no further action is required at that time.

In such circumstances, the JCRA will write to the subject to explain the basis on which it has decided not to open an investigation and to set out the conditions under which it may reconsider that decision in the future. This may include, for example, situations where the subject fails to implement the steps it has committed to take or where the JCRA receives further evidence indicating a potential compliance issue. In these cases, the JCRA will generally not make any determination as to whether a regulatory or legal provision has been contravened.

⁹ [Prioritisation Principles | JCRA](#)

5. Opening a formal investigation

If the JCRA decides to pursue the matter further, it will initiate a formal investigation.

Scope of investigation

The scope of an investigation defines what the JCRA will examine, the provisions in the Law being assessed and the market(s) involved. Defining the scope of any investigation is critical because, not only does it ensure inquiries are limited to matters for which there is reasonable cause to suspect a breach of the Law, it ensures the JCRA exercises its powers (e.g. Article 27 notices) only where there is justification to do so. A defined scope also provides transparency to the subjects of investigation and supports procedural fairness.

The scope of investigation may change through the investigation process, based on what the investigation uncovers. Where an investigation changes, the parties will be informed.

Informing the parties

Unless doing so would compromise the investigation, for example, where the JCRA intends to carry out a search under warrant, the JCRA will inform the parties directly involved that a formal case has been opened. The parties to the investigation will be provided with the following information:

- The scope of investigation
- the legal basis for opening the case
- the industry sector concerned
- the reasons for initiating a formal investigation

Case opening statement

Unless it would be inappropriate for reasons of confidentiality, the JCRA will publish a case-opening announcement on its website. At this stage, the JCRA will not identify the subject(s) of the investigation unless there is a compelling reason to do so.

6. Conducting the investigation: information gathering

The JCRA relies on accurate and timely information to progress its regulatory investigations. Information gathering is therefore a central component of its investigative process. The JCRA will seek to obtain only the information it considers relevant to the matters under investigation.

Written notices

The JCRA has the power to issue written notices requiring businesses to provide information and documents¹⁰, including material stored electronically¹¹. Information may be required from the parties under investigation, as well as from competitors, customers, employees, suppliers, potential market entrants, industry or trade associations, and relevant Government departments. Individuals or businesses that initially supplied information, such as Formal Complainants or leniency applicants, may in particular, be able to provide valuable further input.

Subject to applicable confidentiality restrictions, the JCRA will seek to obtain information from as many relevant sources as necessary to develop a comprehensive understanding of the conduct under examination. When setting deadlines for responses, the JCRA will consider the volume and complexity of the information or documents requested. In appropriate circumstances, the JCRA may consider requests for extensions.

In exceptional circumstances, where there is a risk that parties may alter, tamper with, or destroy evidence upon notification, the JCRA has the power to enter and search premises under a warrant. This includes the seizure and retention of original documents that appear relevant to the investigation. The JCRA will provide the party from whom documents are taken with a list of all materials retained. Where a party reasonably requires access to a retained document for business purposes and requests it, the JCRA will provide a copy as soon as reasonably practicable.

Analysis and review

The assessment of the information gathered forms a critical stage in the JCRA's investigative process. The JCRA will undertake a robust, evidence-based evaluation of each

¹⁰ Article 27 of the *Competition (Jersey) Law 2005*

¹¹ Article 28 of the *Competition (Jersey) Law 2005*

item of information in order to establish the relevant facts of the case. Following this assessment, the JCRA may request further information where necessary.

7. Taking urgent action (interim measures)

The JCRA has the power to issue temporary directions (referred to as ‘interim measures’) where:

- the JCRA has commenced, but not yet completed, an investigation; and
- the JCRA considers it necessary to act urgently in order to prevent significant damage to a particular person or category of persons, or to protect the public interest.

Decision to impose interim measures

The JCRA has discretion as to whether to issue an interim measures direction. Where it decides to do so, the JCRA will write to the business to which the direction is addressed, setting out the terms of the proposed direction and the reasons for issuing it. The JCRA will also provide the business with a reasonable opportunity to make representations on that provisional decision. Given the time-critical nature of the interim measures process, the period allowed for such representations may necessarily be short.

At the interim measures stage, the JCRA will not normally provide access to documents on its file that relate to the suspected contravention. The business to which the proposed directions are addressed will have the opportunity to inspect such documents if the JCRA subsequently issues a draft decision. A schedule of additional documents held on the JCRA’s file will also be provided, together with an opportunity for the business to request disclosure of further documents where it can demonstrate that such disclosure is necessary for it to make informed representations on the proposed interim measures. The JCRA may withhold documents to the extent that they contain confidential information or constitute internal documents.

Having considered any representations received and having satisfied itself as to the adequacy of the evidence on which it intends to rely, the JCRA will make its final decision and inform both the applicant and the business against which the interim measures are sought.

In determining whether the imposition of interim measures is appropriate in the circumstances, the JCRA will take into account the facts of the case, the nature of competition in the relevant market(s), and the likely duration of the interim measures when

assessing the period over which any relevant damage should be evaluated. The JCRA will seek to ensure that:

- interim measures are imposed only where specific behaviour or conduct has been identified that is causing, or is likely to cause, significant damage to a particular person or category of persons, or is, or is likely to be, contrary to the public interest; and
- the interim measures sought are capable of preventing, limiting, or remedying the significant damage identified, and are proportionate to that objective, whether the damage is temporary or permanent.

In assessing whether interim measures may be appropriate to protect the public interest, the JCRA will have particular regard to the effect, or potential effect, that the relevant conduct is having, or is likely to have, on consumers or categories of consumers. In most cases, interim measure will have immediate effect.

Enforcement of an interim measure direction

If a business fails to comply with these requirements without reasonable excuse, the JCRA may apply to the court for an order directing compliance within a specific period. Where the measures concern the management or administration of a business, the court may require the business, or any of its officers, to take the necessary steps to secure compliance. The court may also order the person in default, or any officer responsible for the default, to pay the costs incurred in obtaining the order. Failure to comply with a court order constitutes contempt of court.

Publication of an interim measure direction

The JCRA may published interim measures directions on its website.

8. Investigation outcomes

JCRA investigations may be concluded in several ways:

- The JCRA may decide to close an investigation on grounds of administrative priority or, in certain circumstances, where the parties under investigation have ceased the potentially infringing conduct.
- The JCRA may issue a decision that there are no grounds for action where it has not found sufficient evidence of an infringement of the Law.
- The JCRA may accept commitments offered by a business in relation to its future conduct, where it is satisfied that such commitments adequately address the identified competition concerns.
- The JCRA may issue a draft decision where its provisional view is that the conduct under investigation constitutes a breach of the Law.

Administrative priorities

The JCRA focuses its efforts on deterring and addressing conduct that poses the greatest risk to consumer welfare, while avoiding the imposition of unnecessary burdens on businesses. In line, with this approach, the JCRA allocates its resources to prioritise projects and investigations that align with its statutory responsibilities and are likely to deliver the greatest impact. Where an investigation is not considered an appropriate or effective use of the JCRA's resources, it may be closed without the JCRA reaching a finding as to whether an infringement of the Law has occurred.

Issuing a no grounds for action decision

Alternatively, if the JCRA determines, based on the evidence collected, that no infringement has occurred, it may close the investigation. The JCRA will notify the parties involved that the matter has been closed and will provide written confirmation upon request. An announcement stating that no final decision has been adopted will also be published on the JCRA's website. The closure of an investigation does not prejudice the JCRA's ability to re-open the matter should further information subsequently be received that provides reasonable cause to suspect an infringement. It likewise does not affect the ability of a third party to bring a civil action.

Accepting commitments on future conduct

If, based on the evidence collected, the JCRA considers that the case gives rise to competition concerns, it may, as an alternative to continuing its investigation, be prepared to accept binding promises (“commitments”) from a business in relation to its future conduct. The JCRA will only accept commitments where it is satisfied that they adequately address the identified competition concerns.

A business whose commitments have been accepted by the JCRA, and which fails to comply with those commitments without reasonable excuse may be subject to a court order requiring compliance and/or to a fine imposed by the JCRA.

Circumstances in which it may be appropriate to accept commitments

The decision to accept commitments lies within the JCRA’s discretion. The JCRA is likely to consider it appropriate to accept commitments only in cases where the competition concerns are clearly identifiable, can be effectively addressed by the commitments offered, and where the proposed commitments can be implemented efficiently, and where necessary, within a short timeframe.

The JCRA is very unlikely to accept commitments in cases involving secret cartels between competitors or in matters concerning a serious abuse of a dominant position.

The JCRA will not accept commitments in circumstances where:

- compliance with, or the effectiveness of, the proposed commitments would be difficult to assess; and/or
- it considers that discontinuing the investigation without reaching a decision would undermine deterrence.

Procedure

A business under investigation may offer commitments at any time during the investigation, up until the JCRA has made a decision on infringement. However, the JCRA is unlikely to consider it appropriate to accept commitments at a very late stage in the process, such as after it has considered representations on a draft decision. The JCRA retains broad discretion in determining which cases are suitable for the acceptance of commitments.

A business wishing to explore the possibility of offering commitments should contact the lead case officer in the first instance to arrange a meeting. If, following that meeting, the JCRA considers that commitments may be appropriate, it will provide the business with a summary of its competition concerns (where the case remains at the pre-draft decision stage). Once commitments have been offered, the JCRA may engage in further discussions with the business regarding their scope and content.

If the JCRA proposes to accept the commitments offered, it will consult those likely to be affected and invite their views. Following the consultation period, the JCRA will meet with the business to outline the general nature of the responses received and indicate whether amendments are required before the commitments could be accepted.

If the business submits revised commitments, a further consultation with complainants or other relevant third parties will be undertaken. The JCRA will then decide whether to accept the commitments.

Decision to accept commitments

Once commitments have been accepted in respect of an agreement or conduct, the JCRA may not continue its investigation, make an infringement decision, or issue interim measures directions in relation to the aspects of the alleged conduct addressed by those commitments. However, the JCRA is not prevented from taking action in relation to any competition concerns that are not addressed by the commitments it has accepted.

Where the JCRA has accepted commitments, it may, for the purpose of addressing its current competition concerns, accept a variation of the commitments or accept substitute commitments. If the JCRA's current competition concerns differ from those identified at the time the commitments were originally accepted, it will consider the ongoing appropriateness of the commitments when assessing whether varied or substitute commitments are suitable.

The JCRA may consider it appropriate to release commitments where:

- It is requested to do so by the person(s) who gave the commitments. In such cases, the JCRA will generally consider release appropriate only where it has reasonable grounds to believe that the competition concerns identified at the time of acceptance or variation no longer arise; or

- the competition concerns identified at the time of their acceptance or variation no longer arise.

9. The draft decision

If, as a result of the investigation, the JCRA determines that a breach of the Law has likely occurred and the information collected supports the conclusion that an infringement exists, it will prepare a draft decision setting out its preliminary conclusions on the conduct under investigation.

When preparing a draft decision, the JCRA may seek the views of Formal Complainant(s) where it considers that they would be able to assist materially in testing the legal, economic, or factual arguments on which the JCRA may rely.

Any party that has supplied information included in the draft decision will be given an opportunity to make confidentiality claims in respect of that information.

The JCRA will provide the party or parties involved with a copy of the draft decision and allow a reasonable period for written representations, as specified in the notice.

Non-confidential versions of the draft decision will be provided to Formal Complainants.

A non-confidential version may also be provided to other third parties who:

- request a copy; and
- whose interests are likely to be materially affected by the alleged conduct under investigation; and
- are likely to be able to provide input which will assist in the investigation.

An announcement that a draft decision has been issued will be published on the JCRA's website, together with a brief summary of the case, including the names of the parties.

Right to defence (access to the file)

In competition law investigations, at generally the same time as issuing the draft decision, the JCRA will provide the draft decision with the opportunity to access the information contained in the JCRA's case file. The case file comprises documents relating to the matters addressed in the draft decision, excluding confidential information and the JCRA's internal documents. Access is provided to enable the addressees of the draft decision to review the evidence on which it is based and to ensure that they are able to exercise their rights of defence effectively.

The JCRA will allow addressees of the draft decision a reasonable opportunity to access the case file. In general, the period for assessing the file will correspond to the period allowed for the submission of written representations.

To ensure that the access to the file procedure is as efficient as possible, the JCRA will typically provide:

- (a) copies of the documents directly referred to in the draft decision; and
- (b) a schedule containing an index of all the documents on the JCRA's file.

Access to the file will usually be provided by e-mail.

Right to reply

The party or parties subject to the investigation may request a meeting during the response period. To maximize the effectiveness of such meetings, parties are encouraged to submit their written responses at least one full day in advance. The JCRA will prepare a transcript of any meeting held, and a copy will be provided to the parties upon request. Formal Complainants will not be invited to attend this meeting. However, a separate meeting may be held with a Formal Complainant if one is requested and the JCRA considers that such a meeting would assist the investigation.

10. The final decision

After the response period has concluded, the JCRA will prepare a final decision (reflecting any changes arising from the representations received) or may decide not to proceed with issuing a final decision. Any party that has supplied information included in the final decision will be given an opportunity to make confidentiality claims in respect of that information. A failure to cooperate by submitting duly substantiated confidentiality claims may be treated as consent to the public disclosure of the entire decision.

An announcement that a final decision has been adopted will be published on the JCRA's website, together with a short case summary, the decision, and the reasons for that decision. A non-confidential version of the decision will be published once all confidentiality claims have been assessed.

Alternatively, if the JCRA determines, based on the evidence collected, that no infringement has occurred, it may close the investigation. The JCRA will inform the parties involved that the matter has been closed and will provide written confirmation upon request. An announcement that no final decision has been adopted will be published on the website. The closure of an investigation does not prejudice the JCRA's ability to re-open the matter should further information be received that provides reasonable cause to suspect an infringement. It likewise does not affect the ability of a third party to bring a civil action.

In addition to issuing decisions, we may issue written directions and impose financial penalties. Directions may be issued where necessary to bring the infringing conduct to an end. Financial penalties may be imposed where we are satisfied that the infringement was committed intentionally, negligently, or recklessly. Where applicable, financial penalties are capped at 10% of the business's worldwide turnover generated during the period of the breach, up to a maximum of three years.¹²

Parties may appeal a decision, direction, or financial penalty under the Law and the JCRA is responsible for applying the procedures set out in the Law¹³ when handling such appeals.

¹² Article 39 of the *Competition (Jersey) Law 2005*

¹³ Article 53 of the *Competition (Jersey) Law 2005*

The JCRA may also decide to close an investigation without issuing a draft decision and/or a final decision where the parties agree to cease conduct that may constitute an infringement of the Law. In determining whether to proceed to a draft or final decision in such circumstances, the JCRA will take into account a range of factors, including whether a financial penalty is likely to be appropriate (in which case a final decision would be required), the degree of confidence that the infringing conduct will not recur, and the extent to which a final decision could provide guidance to businesses on what is, and is not, permissible under the Law, or contribute to the development of the Law in areas where case law or precedent is limited.

11. The right of appeal

The Law provides a right of appeal in respect of certain decisions made by the JCRA during the course of an investigation. These rights are summarised below; however, parties are encouraged to consult the Law directly for the full statutory provisions.

Article 53(1) provides that a person may appeal:

- A decision of the JCRA that the person is in breach of Articles 8(1), 16(1) or 20(1) of the Law;
- The giving of a direction to that person; or
- The imposition of a financial penalty, or the amount of that penalty, in accordance with Articles 36(4), 37(4) or 38(7).

Article 53(2) states that an appeal under paragraph (1) must be lodged within 28 days of the date on which notice of the decision, the giving of the direction, or the imposition of the financial penalty is provided to the person by the JCRA, or within such further period as the Court may allow where it considers this desirable in the interests of justice.

12. Complaints about investigation handling

For any complaints regarding the process followed by the JCRA in the course of its investigations, our complaints policy is available here: [Making a complaint about the JCRA | JCRA](#).

If a complainant is dissatisfied with a statutory decision made by the JCRA, they may have a right of appeal. Further information on the appeals process can be obtained by contacting the Officer responsible for the matter or by referring to section 12 above.

Annex 1: Information required in a written, reasoned complaint

- Name and legal form of the complainant.
- Name and legal form of the parties about whose conduct the complaint is being made.
- An explanation of why the complainant is materially affected by the alleged anti-competitive behaviour.
- A full description of the reasons for making the complaint, including:
 - The business of the party who is the subject of the complaint;
 - A summary of the events giving rise to the complaint, with relevant dates;
 - The complainant's view of the market affected by the alleged anti-competitive behaviour;
 - How customers are likely to be adversely affected by the alleged behaviour.
- A copy of all available evidence supporting the complaint