

GUIDANCE ON PREPARATION OF A WRITTEN COMPLAINT

I. Information regarding the complainant and the enterprise(s) or association of enterprises giving rise to the complaint

- a) Provide full details on the identity of the Member State(s)/COTED submitting the complaint. Provide basic information on the subject of the complaint and if it is an enterprise(s), identify the corporate group to which it belongs. Provide a contact person(s) where possible (with telephone number, postal and email address) from whom supplementary explanations can be obtained by the Commission.
- b) Identify the enterprise(s) or association of enterprises whose conduct the complaint relates to, including, where applicable, all available information on the corporate group to which the enterprise(s) belongs. Specify the nature and scope of the business activities pursued by them. Indicate if a relationship exists between the legal entity or natural person submitting the complaint and the subject(s) of the complaint (e.g. customer, competitor, etc).

II. Details of the alleged infringement and evidence

- a) List in detail the facts which in your opinion, it appears there exists an infringement of Article 177 or Article 179 of the Revised Treaty of Chaguaramas.
 - Indicate in particular the nature of the products (goods or services) affected by the alleged infringement(s).
 - Explain, where necessary, the commercial relationships concerning these products.
 - Provide all available details on the agreements or practices of the enterprise(s) or associations of enterprises to which this complaint relates.
 - Indicate, to the extent possible, the relative market share positions of the enterprises concerned by the complaint.
- b) Submit all documentation in your possession relating to or directly connected with the facts set out in the complaint (for e.g. text of agreements, minutes of negotiations or meetings, terms of transactions, business documents, circulars, correspondence, notes of telephone conversations, etc).
 - Provide the names and address of the person(s) able to testify to the facts set out in the complaint, and in particular of persons affected by the alleged infringement.

- Submit statistics or other data in your possession which relate to the facts set out, in particular where they show developments in the marketplace (for e.g. information related to prices and price trends, barriers to entry to the market for new suppliers, etc.).
- c) Set out your view if possible, about the geographical area (Member States) impacted by the alleged infringement.
- Explain where it is not obvious, the extent that trade between two or more Member States of the Community may have been affected by the conduct complained of.

III. Finding sought from the Commission and legitimate interest

- a) Explain what finding or action you are seeking from the Commission as a result of proceedings brought before the Commission.
- Set out the grounds on which you claim a legitimate interest as complainant pursuant to Article 175 of the Revised Treaty.
 - State in particular how the conduct complained of affects you
 - Explain how, in your view, intervention by the Commission would be liable to remedy the alleged grievance.

IV. Proceedings before national competition authorities or national courts

- a) Provide full information about whether you have approached, concerning the same or closely related subject matters, any other competition authority and/or whether a lawsuit has been brought before a national court.
- If so, provide full details about the administrative or judicial authority contacted and your submissions to such authority.

Declaration that the information given in this form and in the Annexes thereto is given entirely in good faith

Date and signature