

Presentation

Article LP 320-1 of the Competition Code makes it compulsory to notify the Polynesian Competition Authority of any retail store project of more than 300 m², resulting from a new start-up, an extension of the sales area, a change of commercial brand or sector of activity, or takeover by a new operator (except if the operation must be examined for concentrations).

The Authority examines in particular, after receiving the file, whether the operation creates or strengthens a dominant position. Following this examination, it can either authorize the transaction, or prohibit it, or order the applicant to take specific measures in order to ensure sufficient competition.

In the event of disregard of the obligation to notify such an operation, a financial penalty may be imposed on the person responsible for the notification. In addition, s/he may be ordered under penalty to return to the previous state of the operation or to execute the injunctions imposed on him/her.