



**AFTA External
Communication Policy**



1 CONTENT

1	Content.....	2
2	Introduction	3
3	General Principles	3
4	Publication of Decisions and other Resolutions	4
5	Press Releases	4
6	Final Provisions	4



2 INTRODUCTION

The AFTA is responsible for monitoring compliance by businesses with the Competition Ordinance (AB 2020 no. 103). This policy outlines how AFTA communicates externally about its activities performed within the scope of its assigned tasks.

The Explanatory Memorandum to the Competition Ordinance specifies that all administrative sanctions are subject to the general principles of good governance. Transparency and openness are crucial elements of good governance. Clear external communication by the AFTA about its activities within the scope of its mandate, the content of its decisions, and the process by which these decisions are made, is essential for several reasons.

Firstly, external communication ensures that citizens and businesses gain insight into what AFTA does as an independent organization funded by public funds. Secondly, supervision is not effective unless businesses, from the perspective of general deterrence, are aware of AFTA's activities and decisions, while citizens and other businesses understand how their interests are safeguarded as victims of infringements of the Competition Ordinance.

Furthermore, AFTA complies with the disclosure requirements outlined in the Public Access to Government Information Ordinance (AB 1999 no. 12) and adheres to the confidentiality rules outlined in the Competition Ordinance.

3 GENERAL PRINCIPLES

1. AFTA acts as transparently as possible in carrying out its assigned tasks. Taking into account its obligations and the rights of third parties.
2. AFTA publishes its decisions and other documents on its official website (www.afta.aw).
3. A Decision is made public only after it has been formally communicated to the addressee. When publishing a decision, AFTA indicates whether legal remedies are available against it.
4. AFTA may issue external communications regarding decisions issued, investigations conducted, on-site inspections carried out, and other activities. In principle, AFTA does not disclose the names of parties involved in an on-site inspection. AFTA may deviate from this principle, for example, if the information is already publicly available or if withholding the names could lead to undesirable speculation about the parties involved.
5. AFTA does not disclose fines reports, as referred to in Article 6.6 of the Competition Ordinance. AFTA may deviate from this principle, for instance, if the fine report has already been made public by the parties through the press or other means and/or to prevent unwarranted speculation.
6. AFTA's external publications are carefully redacted to exclude information it considers confidential. This redaction process aligns with Article 8 of the Public Access to Government Information Ordinance and the confidentiality obligations arising from the Competition Regulation. Interested parties may, where applicable, be given the opportunity in advance to indicate which information they consider confidential.



4 PUBLICATION OF DECISIONS AND OTHER MEASURES

1. AFTA publishes decisions concerning the imposition of administrative sanctions, penalty orders, or a binding instructions. In addition, AFTA may also choose to publish other decisions.
2. By way of derogation from Article 1, AFTA may decide not to publish a decision, in accordance with Article 8.2 of the Public Access to Open Government Information Ordinance.
3. Before publishing a decision concerning the imposition of an administrative sanction, a penalty order or a binding instruction, the decision is communicated to all interested parties who have come forward during the administrative procedure.
4. The publication of a decision will not occur earlier than 10 days after the day on which the decision and the intention to publish it have been communicated to all interested parties who have come forward during the administrative procedure. During this 10-working-day period, any interested party objecting to the (partial) publication of the decision may challenge it in court. AFTA may proceed with earlier publication if the interested party has partially or fully disclosed the decision, caused it to be disclosed, or has indicated no objections to earlier publication.
5. If a request for interim relief is submitted to prevent the publication of a decision, the publication of the decision will be suspended until the interim relief judge has ruled on the matter or the request is withdrawn.
6. Notifications of concentrations are published in the *Landscourant van Aruba* (Official Gazette of Aruba) (Article 3.2, second paragraph, Competition Regulation), as well as on AFTA's website and in its annual report.

5 PRESS RELEASES

1. AFTA may issue a press release and/or hold a press conference regarding decisions it deems significant, investigation findings, notified concentrations, advisory opinions, or other activities. These may be published in full and/or as a summary.
2. AFTA may also post a translated version of the press release on its website.
3. If AFTA includes the name of a business or a natural person in a press release, that party will be informed in advance of the content of the press release and the time it will be published on AFTA's website.
4. In principle, AFTA's responses to media inquiries are provided by its Chairperson or the Director of the AFTA office.

6 FINAL PROVISIONS

1. In exemptional cases, AFTA may deviate from this policy if circumstances warrant such action.
2. This policy shall be referred to as the "AFTA External Communication Policy."