

The role of the Competition Commission

The role of the Competition Commission is to:

- Provide general policy direction to the Competition Authority.
- Adjudicate or preside over complaints referred by the Competition Authority.
- To preside over complaints or appeals against the decisions of the Competition Authority.
- Approve appointment of heads of department or directors.

What do you do if you are not happy with decisions of the Competition Commission?

The decisions of the Competition Authority are appealable to the Competition Commission or the High Court of Botswana in cases of complaints relating to Mergers. Decisions of the Competition Commission are appealable to the High Court with a further and final appeal to the Court of Appeal.

To reach us:

All complaints should be addressed to:
The Executive Secretary
Private Bag 00101
Gaborone

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Fairgrounds, Plot 50664
Paledi Morrison House
(Ground Floor)

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Basic facts: Competition Authority

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What is the Competition Authority?

The Competition Authority is an organ that was set up by parliament to ensure fair competition in the economy. The Authority fulfils this mandate by:

1. Preventing any anti-competition conduct in the economy.
2. Removing anything that hinders free competition in the market.
3. Investigating and resolving all complaints of anti-competitive conduct in the market.
4. Advising government on laws that have or might have anti-competitive effect.
5. Investigating and evaluating unfair competition conduct such as bid rigging, price fixing, allocating of customers, agreements between businesses to control production etc.
6. Adjudicating applications for mergers (when one company buys a stake or completely buys another company).
7. Advising government on all international agreements that have a competition element.

The Structure of the Competition Authority?

The Competition Authority falls under the guidance of the Competition Commission. The Competition Authority is headed by the Executive Secretary who is the Chief Executive Officer. Under the Executive Secretary are Directors or heads of departments. Currently there are five departments: Mergers and Monopolies, Competition and Research Analysis, Legal and Enforcement, Finance and Administration, Communications and Advocacy.

The Process of investigations

The Competition Authority is a new organisation with a huge mandate. On its own the Authority will not be able to fulfil its mandate. The Authority will without doubt depend on the public, business and the media to be its eyes and ears. Unless the public, business and the media report cases of anti-competition conduct the Authority will not achieve very much.

Once a complaint has been registered with the Competition Authority an assessment is promptly initiated to determine if the complaint falls within the ambit of the Competition Act.

If a complaint warrants an investigation an enquiry is promptly initiated. The investigation might involve market inquiries, calling in evidence, hearings and even engaging an inspector who is empowered to enter businesses during working hours to gather information or search.

How long does it take to investigate a complaint?

The length or span of an investigation by its very nature takes a long time but the Authority and the Commission are committed to ensuring that there is speedy resolution to all investigations.

Is the Competition Authority an Independent body?

The Competition Authority is a para-statal which falls under the ministry of Trade and Industry. While the Chief Executive Officer (Executive Secretary) is appointed by the Minister of Trade, the Executive Secretary reports to the board of governors known as the Competition Commission

The Competition Commission

The Competition Commission is the policy making body of the Competition Authority. The commission is run by 7 board members. The board members are experts drawn from fields such as Economics, Commerce, Law, Consumer Affairs, Public Administration and those that have knowledge and experience in trade. All board members are appointed by the Minister of Trade & Industry. The Minister appoints the Chairperson from among the 7 commissioners.

The organogram

