

SWAZILAND COMPETITION COMMISSION

**FORM 2**

(Under Regulation 12(2))

COMPLAINT AGAINST MONOPOLIES, ANTI-COMPETITIVE PRACTICES AND CONCENTRATION OF ECONOMIC POWER

<b>A. Details of Complainant Person/Organization</b>	
Particulars of person making the complaint	
Title: Dr/ Mr/ Mrs/ Miss/ Ms Surname:	Given Name:
Address	Contact No.
	Fax No.:
	Email address:
Are you making this complaint on behalf of an organization (e.g. a company, association, partnership, or society)?  <input type="checkbox"/> Yes                      Please provide the relevant information relating to the  <input type="checkbox"/> No                                      Organisation below.	
Name of organization on behalf of which you are making this complaint (if your reply is "Yes" above):	
Address	Contact No.
	Fax No.:
	Email address:
<b>B. Who are you complaining against?</b>	
Names of the merging parties you are complaining against:	

Address	Contact No.
	Fax No.:
	Email address:

**C. Relationship**

What is your relationship with any of the company you are complaining about?

<input type="checkbox"/>	Supplier	Name
<input type="checkbox"/>	Competitor	
<input type="checkbox"/>	Customer	
<input type="checkbox"/>	Employee/Former Employee -	
<input type="checkbox"/>	No Relationship	
<input type="checkbox"/>	Others	

For "Others", please specify:

**D. Detail of complaint**

Nature of anti-competitive activity complained against:

<input type="checkbox"/>	Fixing Prices
<input type="checkbox"/>	Bid Rigging (Collusive Tendering)
<input type="checkbox"/>	Sharing Markets Bid Rigging (Collusive Tendering) /Former Employee -
<input type="checkbox"/>	Limiting or Controlling Production/ Investment
<input type="checkbox"/>	Conduct by Dominant Company which has the effect of hamming competition (e.g. predatory pricing)
<input type="checkbox"/>	Others

For "Others", please specify:

What are the goods and services to which the anti-competitive activity relates?

Please describe the anti-competitive activity you are complaining about and explain how it affects you or the organization you are representing:

When did this anti-competitive activity start?

Is this anti-competitive activity still continuing?

Yes

No

If not, when did this anti-competitive activity end?

Please list all evidence supporting your complaint and attach all such relevant documents to this complaint form:

(e.g. agreements, minutes of meetings, business documents, circulars, correspondence, notes of telephone conversations etc.)

Please also identify any part of the information that should be treated as confidential.

#### **E. Description of the merger**

Please describe the merger and the products/ services in which the merging parties are involved.

Has the merger occurred?

Yes

No

If your answer is "yes", please state when the merger occurred:

If your answer is "no", please state when the merger is going to occur:

Has knowledge of the merger been made known to the public? Yes / No

How did you come to know about the merger?

Please list the relevant markets which you believe competition has been adversely affected by the merger:

Please explain how you believe competition in those relevant markets has been or will be adversely affected by the merger. For example, is the merger likely to result in:

- i) an increase in prices;
- ii) a drop in output and/or product choice, quality or innovation;
- iii) significant weakening of any competitor's ability to compete in the market (e.g. by raising competitor's costs or by preventing competitors or others from gaining access

to essential inputs or distribution channels); or iv) increased difficulty for new firms to enter any market.	
How does the merger affect you or the organization you are representing?	
<b>F. Details of other parties who may be able to provide further information regarding your complaint</b>	
Name of party Name of party Name of party	Contact Details Contact Details Contact Details
<b>G. Declaration</b>	
I certify that the information is true, correct and made in all good faith. I note that section 42# of the Competition Act makes it an offence to supply false or misleading information to the Swaziland Competition Commission.	
Name:  Signature:	Date:

#Section 42 of the Competition Commission Act, 2007 states:

1. Any person who-
  - a) contravenes or fails to comply with any provisions of this Act, or any directive or order lawfully given, or any requirement lawfully imposed under this Act for which no penalty is provided
  - b) omits or refuses-
    - i) to furnish any information when required by the Commission to do so, or
    - ii) to produce any documents when required to do so by a notice sent by the Commission, or
  - c) knowingly furnishes any false information to the Commission, commits an offence and shall, on conviction, be liable to a fine not exceeding E250,000 (Two hundred and fifty thousand Emalangeni or to imprisonment to a term not exceeding 5 years, or both

2) Where the offence is committed by a body corporate, every director and officer of the body corporate, or if the body of persons is a firm, every partner of that firm shall be guilty of that offence, provided that such director, officer, or partner shall be guilty of the offence if he/ she proves on a balance of probability that such an offence was committed without his/her knowledge or consent, or that he/she exercised all due diligence to prevent the commission of the offence.